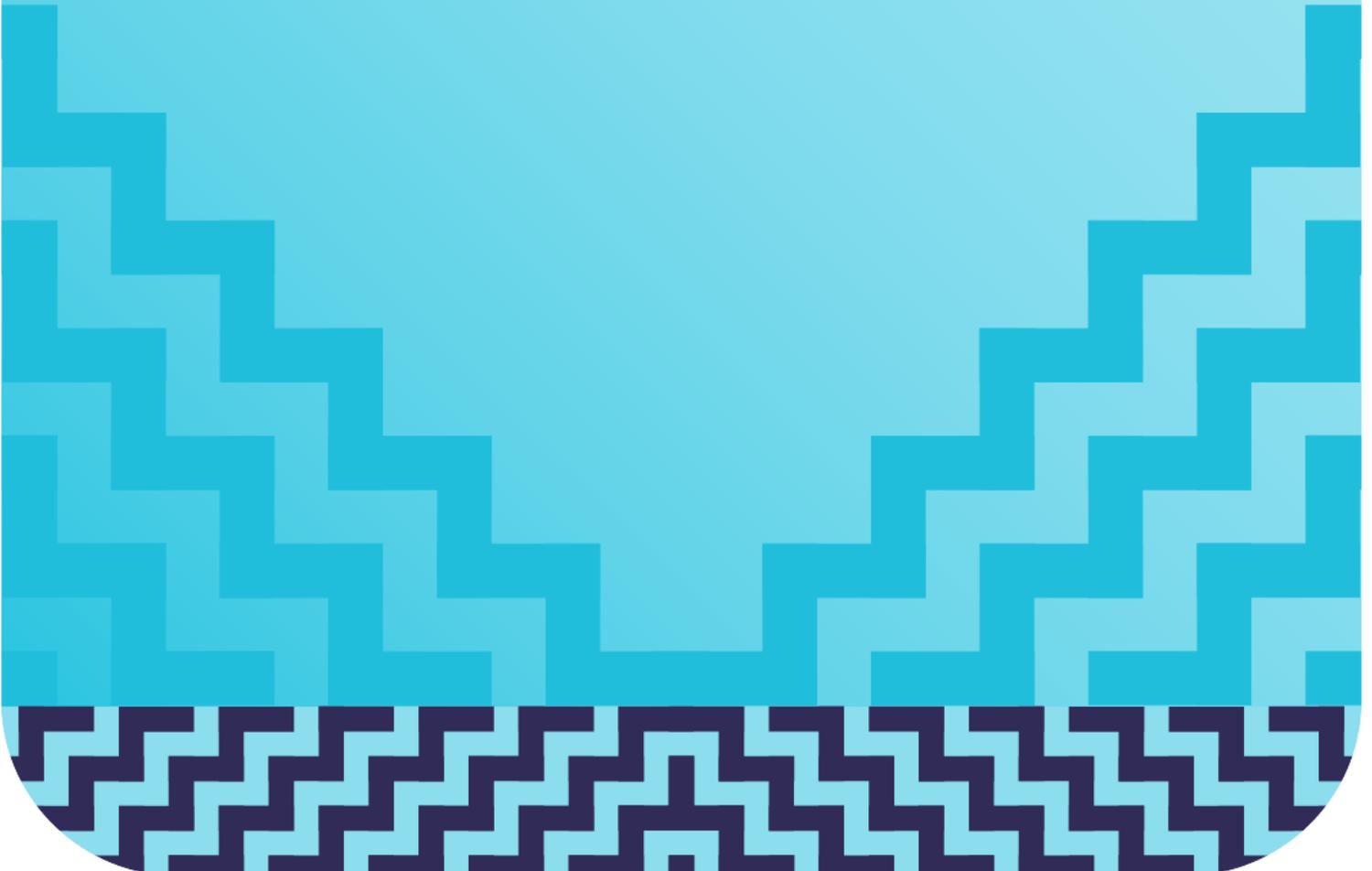


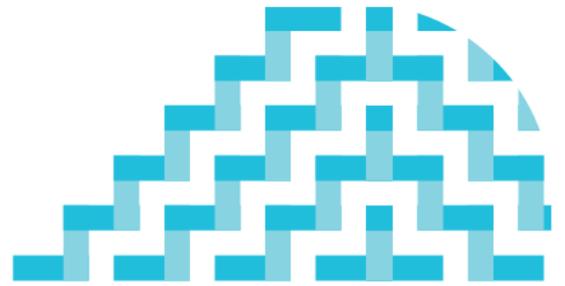


**NEW ZEALAND**  
**FOREIGN AFFAIRS & TRADE**  
Manatū Aorere

# International Treaties List

**A list of Treaties New Zealand is currently involved in negotiating, concluding, ratifying or amending.**

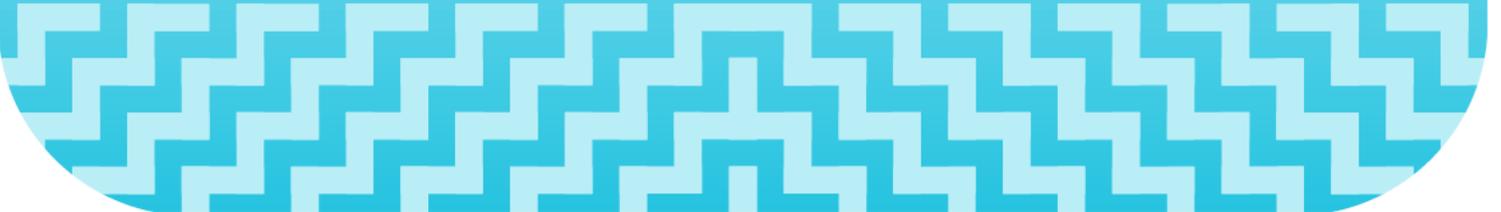




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# Aviation



# Agreement between the Government of the Republic of South Africa and the Government of New Zealand on Air Services

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

Provide for air services between New Zealand and South Africa.

## Negotiation Status

Awaiting signature. This Agreement enhances upon, and will replace, the Agreement between the Government of New Zealand and the Government of the Republic of South Africa on Air Services done at Cape Town on 19 August 1997.

## Impacts on Māori

No particular impact.

## Impacts on stakeholders

Consultation with interested stakeholders took place ahead of the negotiations.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Agreement on Air Transport between the Portuguese Republic and New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

To provide for air services between New Zealand and Portugal, including code-share services.

## Negotiation Status

Awaiting signature.

## Impacts on Māori

Māori tourism operators may benefit from any increase in visitor arrivals from Portugal.

## Impacts on stakeholders

Little or no impact.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Air Services Agreement between the Government of Nepal and the Government of New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

To provide for air services between New Zealand and Nepal, including code-share services.

## Negotiation Status

Negotiations concluded. Awaiting signature and receipt of a Nepali text for verification.

## Impacts on Māori

Māori tourism operators may benefit from any increase in visitor arrivals from Nepal.

## Impacts on stakeholders

Little or no impact.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Air Services Agreement between the Government of New Zealand and the Government of Angola

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

Provides for air services between New Zealand and Angola.

## Negotiation Status

Negotiations have not yet begun.

## Impacts on Māori

No particular impact.

## Impacts on stakeholders

No particular impact.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Air Services Agreement between the Government of New Zealand and the Government of Iceland

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

To provide for air services between New Zealand and Iceland.

## Negotiation Status

The text of the Agreement has been largely negotiated and adopted but officials remain in contact regarding finalisation.

## Impacts on Māori

No particular impact, but Māori tourism operators could expect to benefit from any increase in visitor arrivals from Iceland.

## Impacts on stakeholders

Consultation with interested private sector companies has already been undertaken.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of Republic of India**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Foreign Affairs and Trade

## **Subject and Purpose**

To provide for air services between New Zealand and India.

## **Negotiation Status**

In progress. Awaiting completion of domestic processes necessary for entry into force.

## **Impacts on Māori**

No particular impact, but Māori tourism operators could expect to benefit from any increase in visitor arrivals from India.

## **Impacts on stakeholders**

No impact.

## **Signed**

Yes

## **Legislation Required**

No

## **Ratification Required**

No

# **Air Services Agreement between the Government of New Zealand and the Government of the Dominican Republic**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and the Dominican Republic.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

Māori tourism interests may benefit from any new tourism generated by the Agreement.

## **Impacts on stakeholders**

Stakeholders have been consulted.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Federal Democratic Republic of Ethiopia**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Ethiopia.

## **Negotiation Status**

The text of the Agreement has been largely negotiated. Officials have been in contact concerning finalisation of the text.

## **Impacts on Māori**

No particular impact, but Māori tourism operators could expect to benefit from any increase in visitor arrivals arising from new air services arrangements.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Federal Republic of Nigeria**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand Nigeria, including code-share services.

## **Negotiation Status**

Negotiations concluded. Awaiting signature.

## **Impacts on Māori**

Māori tourism operators may benefit from any increase in Nigerian visitors to New Zealand.

## **Impacts on stakeholders**

No impact.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Islamic Republic of Pakistan**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Pakistan, including code-share services.

## **Negotiation Status**

Negotiations have concluded, but some aspects of the agreement are under reconsideration.

## **Impacts on Māori**

Māori tourism operators may benefit from any increase in visitor arrivals from Pakistan.

## **Impacts on stakeholders**

Little or no impact.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Kingdom of Saudi Arabia**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Saudi Arabia.

## **Negotiation Status**

Signed but not yet in force. Awaiting an Exchange of Letters indicating both parties have completed the necessary domestic processes to bring the Agreement into force.

## **Impacts on Māori**

No particular impact, but Māori tourism operators could expect to benefit from any increase in visitor arrivals arising from new air services arrangements.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

Yes

## **Legislation Required**

No

## **Ratification Required**

No

# **Air Services Agreement between the Government of New Zealand and the Government of the Oriental Republic of Uruguay**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Uruguay.

## **Negotiation Status**

Signed but not yet entered into force. Awaiting an Exchange of Letters indicating both parties have completed the necessary domestic processes to bring the Agreement into force.

## **Impacts on Māori**

No particular impact on Māori, but Māori tourism operators could expect to benefit from any increase in tourism arrivals from Uruguay.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

Yes

## **Legislation Required**

No

## **Ratification Required**

No

# **Air Services Agreement between the Government of New Zealand and the Government of the Republic of Botswana**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and Botswana.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

Māori tourism operators may benefit from new tourism generated by the Agreement.

## **Impacts on stakeholders**

Stakeholders have been consulted.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Republic of Colombia**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Colombia.

## **Negotiation Status**

Signed, but awaiting entry into force.

## **Impacts on Māori**

No particular impact on Māori, but Māori tourism interests could expect to benefit from any increase in visitor arrivals from Colombia.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

Yes

## **Legislation Required**

No

## **Ratification Required**

Yes

# **Air Services Agreement between the Government of New Zealand and the Government of the Republic of Ecuador**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and Ecuador.

## **Negotiation Status**

Signed, awaiting the completion of parties' domestic procedures for entry into force.

## **Impacts on Māori**

No particular impact.

## **Impacts on stakeholders**

No particular impact.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Republic of El Salvador**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and El Salvador.

## **Negotiation Status**

Negotiations are ongoing.

## **Impacts on Māori**

No particular impact.

## **Impacts on stakeholders**

No particular impact.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Republic of Kenya**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and Kenya.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

No particular impact, but Māori tourism operators may benefit from any increase in Kenyan visitor arrivals.

## **Impacts on stakeholders**

Stakeholder consultation has been completed.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Republic of Panama**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Panama, including code-share services.

## **Negotiation Status**

Negotiations concluded but some aspects are being reconsidered ahead of signature.

## **Impacts on Māori**

Māori tourism operators may benefit from any increase in visitor arrivals from Panama.

## **Impacts on stakeholders**

Little or no impact.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Republic of Serbia**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Serbia

## **Negotiation Status**

Negotiations concluded. Awaiting signature.

## **Impacts on Māori**

No particular impact on Māori, but Māori tourism interests could expect to benefit from any increase in visitor arrivals from Serbia.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Republic of Slovenia**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and Slovenia.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

No particular impact.

## **Impacts on stakeholders**

Consultation with interested stakeholders took place ahead of the negotiations.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Sultanate of Oman**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Oman.

## **Negotiation Status**

The text of the Agreement has been negotiated and adopted. We are currently in the process of determining a date when both Parties will be available for signature.

## **Impacts on Māori**

No particular impact on Māori, but Māori tourism interests could expect to benefit from any increase in visitor arrivals from Oman.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the Togolese Republic**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Togo.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

No particular impact, but Māori tourism operators could expect to benefit from any increase in visitor arrivals arising from new air services arrangements.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of New Zealand and the Government of the United Republic of Tanzania**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and Tanzania.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

No particular impact

## **Impacts on stakeholders**

Consultation with interested stakeholders took place ahead of the negotiations.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# Air Services Agreement between the Government of New Zealand and the Government of Timor-Leste

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

Provide for air services between New Zealand and Timor-Leste.

## Negotiation Status

Treaty has been signed, awaiting entry into force.

## Impacts on Māori

No particular impact.

## Impacts on stakeholders

No particular impact.

## Signed

Yes

## Legislation Required

No

## Ratification Required

Yes

# **Air Services Agreement between the Government of the Arab Republic of Egypt and the Government of New Zealand**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Egypt.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

No particular impact on Māori, but Māori tourism interests could expect to benefit from any increase in visitor arrivals from Egypt.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of the Hashemite Kingdom of Jordan and the Government of New Zealand**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and Jordan.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

No particular impact.

## **Impacts on stakeholders**

Consultation with interested stakeholders took place ahead of the negotiations.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of the Kingdom of Bahrain and the Government of New Zealand**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

To provide for air services between New Zealand and Bahrain

## **Negotiation Status**

Negotiations concluded. Awaiting signature.

## **Impacts on Māori**

No particular impact on Māori, but Māori tourism interests could expect to benefit from any increase in visitor arrivals from Bahrain.

## **Impacts on stakeholders**

Consultation with interested private sector companies has already been undertaken.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Government of the Kingdom of Morocco and the Government of New Zealand**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and Morocco.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

No particular impact.

## **Impacts on stakeholders**

Consultation with interested stakeholders took place ahead of the negotiations.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Governments of the Member States of the Association of Southeast Asian Nations and the Government of New Zealand**

## **Treaty Type**

Multilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

The Agreement is intended to replace, with one agreement, the existing air services agreements New Zealand has with each of the ten ASEAN members.

## **Negotiation Status**

The text of the Agreement has been negotiated and awaits Government approval to sign and ratify.

## **Impacts on Māori**

No particular impact.

## **Impacts on stakeholders**

New Zealand airlines may gain additional opportunities operate or otherwise sell and market services in relation to ASEAN members.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Air Services Agreement between the Republic of Azerbaijan and the Government of New Zealand**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

Provide for air services between New Zealand and Azerbaijan.

## **Negotiation Status**

Awaiting signature.

## **Impacts on Māori**

No particular impact.

## **Impacts on stakeholders**

Consultation with interested stakeholders took place ahead of the negotiations.

## **Signed**

No

## **Legislation Required**

No

## **Ratification Required**

Unknown

# Air Transport Agreement between New Zealand and the Kingdom of Spain

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

An amendment to this existing Agreement to provide new opportunities for airlines.

## Negotiation Status

Awaiting final agreement of the text of the change, ahead of seeking Cabinet approval.

## Impacts on Māori

Māori tourism interests may benefit from any new tourism generated by the amended Agreement.

## Impacts on stakeholders

Stakeholders have been consulted.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Air Transport Agreement between the Government of the Republic of Paraguay and the Government of New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

To provide for air services between New Zealand and Paraguay.

## Negotiation Status

The text of the Agreement has been negotiated and adopted. Awaiting signature.

## Impacts on Māori

No particular impact on Māori, but Māori tourism operators could expect to benefit from any increase in visitor arrivals from Paraguay.

## Impacts on stakeholders

Consultation with interested private sector companies has already been undertaken.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Amendment to the Air Services Agreement between the Government of New Zealand and the Government of the Republic of India

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

An Exchange of Letters to amend the Route Schedule to the Air Services Agreement with India.

## Negotiation Status

Awaiting ministerial approval.

## Impacts on Māori

No particular impact.

## Impacts on stakeholders

No particular impact.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# **Amendments to the Agreement between the Government of New Zealand and the Government of the Republic of the Philippines on Air Services done at Singapore on 20 November 2007**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

This Agreement amends the 2007 New Zealand - Philippines Air Services Agreement by providing a new route schedule and a replacement for Article 12(3) of the 2007 Agreement.

## **Negotiation Status**

An Exchange of Letters amending the Agreement was concluded on 12 November 2014. A subsequent Exchange of Diplomatic Notes is awaited.

## **Impacts on Māori**

No specific potential impact on Māori interests anticipated.

## **Impacts on stakeholders**

No specific potential impact on stakeholders anticipated.

## **Signed**

Yes

## **Legislation Required**

No

## **Ratification Required**

No

# Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Beijing Convention and Protocol further criminalise the act of using civil aircraft as a weapon, and of using dangerous materials to attack aircraft or targets on the ground. The treaties criminalise the unlawful transport by aircraft of biological, chemical and nuclear weapons and their related material. They also provide for the criminal liability of those who direct and organise such conduct, and for criminal liability in certain circumstances in respect of threats and attempts. The treaties also update provisions to promote cooperation between States in combating the unlawful acts directed against civil aviation while emphasising the human rights and fair treatment of the suspects. The Beijing Convention and Protocol are similar to the existing Suppression of Unlawful Acts Protocols, which apply in the maritime context.

## Negotiation Status

The Beijing Convention and Protocol were adopted by an ICAO diplomatic conference convened in Beijing on 10 September 2010.

## Impacts on Māori

No specific potential impact on Māori interests anticipated.

## Impacts on stakeholders

Potential impact is primarily focused on government agencies, and to civil aviation operators (primarily airlines).

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Exchange of Letters to Amend the Agreement Between the Government of New Zealand and the Government of Papua New Guinea on Air Services

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

Amendments were negotiated in 2013 to the airline designation criteria, and in relation to aviation safety and security, tariffs and the route schedule.

## Negotiation Status

The Exchange of Letters relating to the 2013 amendments was concluded on 13 February 2017, but a further exchange of diplomatic notes is required before the amendments enter into force.

## Impacts on Māori

No particular impact.

## Impacts on stakeholders

Consultation has been undertaken.

## Signed

N/A

## Legislation Required

No

## Ratification Required

Unknown

# Exchange of Notes to Renew the Air Transportation Agreement between the Government of the United Mexican States and the Government of New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Transport

## Subject and Purpose

The Air Transportation Agreement with Mexico requires renewal on a three-yearly basis. An exchange of diplomatic notes to this effect was completed on 17 February 2021. This renewed the Agreement for three years from 3 March 2021.

## Negotiation Status

Completed.

## Impacts on Māori

No particular impact.

## Impacts on stakeholders

No particular impact.

## Signed

N/A

## Legislation Required

No

## Ratification Required

Unknown

# **The Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 50(a)] and the Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 56]**

## **Treaty Type**

Multilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

These protocols increase the membership of two bodies of ICAO. The protocol amending Article 50(a) allows for increased membership on the Council and the protocol amending Article 56 allows for increased membership on the Air Navigation Commission.

Increased membership on these two bodies of ICAO will allow for more proportionate and diverse representation in ICAO decision making. Ratification of the protocols will demonstrate New Zealand's commitment to being a good global citizen by supporting representative and proportionate decision making.

Larger membership may be advantageous to New Zealand if, in the future, New Zealand wishes to campaign for and fill a position on the Council or the ANC. The costs and impacts of ratifying the protocols are minimal because they do not require any legislative change and do not impose any additional obligations or financial costs on New Zealand.

## **Negotiation Status**

New Zealand deposited its instrument of ratification on 25 September 2019.

## **Impacts on Māori**

There is no potential impact on Māori interests.

## **Impacts on stakeholders**

There are no impacts on other stakeholders.

## **Signed**

No

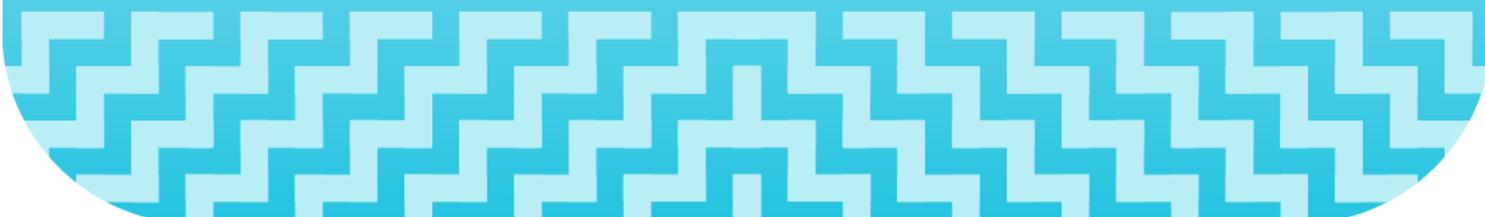
## **Legislation Required**

No

## **Ratification Required**

Unknown

# **Environment and sea**



# Amendments to the Plant Protection Agreement for Asia Pacific Region International Plant Protection Convention

## Treaty Type

Multilateral

## Responsible Department

Primary Industries

## Subject and Purpose

The convention aims to prevent the introduction and spread within the Asia Pacific Region of destructive plant diseases and pests. These amendments bring the convention into line with the revised International Plant Protection Convention (IPPC) and the World Trade Organisation Agreement on Sanitary and Phytosanitary Measures. They were adopted in 1999 at the same time as the amendments deleting measures to exclude "South American Leaf Blight of Hevea" from the region.

Key obligations include participation in regional sub-committees to develop regional and sub-regional standards for plant protection. These standards will be consistent with the IPPC, to which New Zealand has been Party since 1952. Other functions incorporated in the amendments include the harmonisation of pesticide regulations and a review of the status of integrated pest management and the promotion of its implementation within the region.

## Negotiation Status

New Zealand formally accepting two amendments to the Plant Protection Agreement for the Asia and Pacific Region (Agreement) adopted and approved by Cabinet on 15 Sept 2017. New Zealand accepts the two sets of amendments proposed and approved in 1999 for the Revised Plant Protection Agreement for the Asia and Pacific Region (Agreement).

Provisions of the amendments describe:

- The functions of the Agreement that include the development of regional standards, harmonisation, information sharing and training
- The development of regional and sub-regional standards
- International cooperation stressing cooperation in information exchange, participation in pest control programmes and collaboration with the Secretariat of the IPPC
- The updating of earlier provisions regarding pest lists and pest control.

The proposed first amendment is mainly focussed on facilitating the work of contracting Governments in following the requirements of the IPPC and the SPS Agreement (although there are also amendments to the articles regarding the administration of the Agreement, finance and the sub-commission).

The second amendment references Article VI and Appendix B of the Agreement currently in force. These measures concern the major disease of rubber known as South American leaf blight. This disease is not present in the Asia and Pacific region. The measures have been replaced with a regional phytosanitary measures that was adopted by the Asia and Pacific Plant Protection

Commission at its 26th session in 2009.

New Zealand deposited an instrument of acceptance for the Amendments on 14 August 2017, and the Amendments will enter into force once a plurality of contracting parties accept the amendment.

**Impacts on Māori**

Māori may have interest in how this treaty could help to protect the resources that are important to Māori, e.g., to prevent the introduction into and spread within the APPPC region (including New Zealand) of plant pests and diseases, and to develop and harmonise regional standards on pest management, therefore to protect the health of plant, human and animal health and the environment, and facilitate safe trade of plant and plant products.

**Impacts on stakeholders**

No specific potential impact on stakeholders anticipated.

**Signed**

N/A

**Legislation Required**

No

**Ratification Required**

Unknown

# Amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the United States of America

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Amendments will update the US Pacific Tuna Treaty and its annexes. The US Pacific Tuna Treaty is a regional fisheries agreement that provides access to Pacific Island parties' exclusive economic zones ("EEZs") for United States tuna fishing vessels, and in return, it provides for those vessels to pay a specified amount of money to Pacific Island countries.

The key terms of the amendments will provide:

- A five-year term for commercial fishing arrangements
- Clarity regarding the application of Pacific Island countries' national laws to United States vessels
- A financial mechanism for the US government to address fisheries related-economic assistance for Pacific Island Parties

## Negotiation Status

Currently under negotiation. The terms of the US Pacific Tuna Treaty for 2023 onwards have been under renegotiation since 2021 with a short-term non-binding arrangement governing terms of fishing access for 2023, and no arrangement governing terms of fishing access for 2024. A substantive negotiated agreement for the current Amendments was reached virtually in December 2023 and is yet to be finalised. Once finalized, this agreement will consolidate renegotiated text since 2016.

## Impacts on Māori

As no United States fishing will take place in New Zealand's EEZ under current terms, the amendments will not impact on Māori interests.

## Impacts on stakeholders

The Government of Tokelau and the Administrator of Tokelau will be consulted on the negotiated amendments. Stakeholders will also have the chance to comment through the Parliamentary Treaty Examination process.

## Signed

No

## Legislation Required

No

## Ratification Required

Yes

# **Annex IV (Prevention of Pollution by Sewage from Ships) to the International Convention for the Prevention of Pollution from Ships 1973, as amended**

## **Treaty Type**

Multilateral

## **Responsible Department**

Transport

## **Subject and Purpose**

MARPOL Annex IV regulates the discharge of sewage into the sea; ships' equipment and systems for the control of sewage discharge; the provision of facilities at ports and terminals for the reception of sewage; and requirements for survey and certification. It also includes a model International Sewage Pollution Prevention Certificate to be issued by national shipping administrations to ships under their jurisdiction. The annex entered into force internationally on 27 September 2003. A revised annex was adopted on 1 April 2004, and entered into force date on 1 August 2005.

The revised annex applies to new ships engaged in international voyages, of 400 gross tonnage and above or which are certified to carry more than 15 persons. Existing ships, registered to States that are party to Annex IV, have been required to comply with the provisions of the revised Annex IV since 27 September 2008.

The annex requires ships to be equipped with either a sewage treatment plant, a sewage comminuting and disinfecting system, or a sewage holding tank. The discharge of sewage into the sea will be prohibited, except when the ship has in operation an approved sewage treatment plant at a distance of more than 12 nautical miles from the nearest land.

## **Negotiation Status**

Multilateral. Entered into force in September 2003, revised annex adopted in April 2004, and entered into force in August 2005.

## **Impacts on Māori**

No specific potential impact on Māori interests anticipated.

## **Impacts on stakeholders**

No specific potential impact on stakeholders anticipated.

## **Signed**

No

## **Legislation Required**

Unknown

## **Ratification Required**

Unknown

# Convention on Biological Diversity – Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity* is a supplementary agreement to the Convention on Biological Diversity. It aims to provide a transparent legal framework for the effective implementation of one of the three objectives of the CBD: the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

In October 2010, Parties to the Convention on Biological Diversity (CBD), including New Zealand, concluded negotiations on a protocol to the CBD aimed at giving effect to the third objective of the CBD, namely "the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access". The Nagoya Protocol applies to genetic resources within the scope of Article 15 of the CBD, and to the benefits arising from the utilisation of such resources. It also applies to traditional knowledge associated with genetic resources within the scope of the Convention and to the benefits arising from the utilisation of such knowledge.

## Negotiation Status

Multilateral. The Protocol entered into force in October 2014 with the required 50 ratifications. New Zealand has neither signed nor ratified the Nagoya Protocol.

## Information about required legislation

If New Zealand is to ratify the protocol, the Government will consider what legislation is required for implementation. A bioprospecting regime would be required.

## Impacts on Māori

When the Protocol was being negotiated, New Zealand's approach was to ensure flexibility so as to ensure the Government could maintain its ability to meet Treaty of Waitangi obligations.

## Impacts on stakeholders

New Zealand has an interest in the Nagoya Protocol as both a user and provider of genetic resources. The domestic economy, particularly the agricultural, horticultural, and forestry sectors, is highly dependent on foreign genetic resources. New Zealand's unique flora and fauna result in a high level of domestic and international interest in accessing our genetic resources and, in some cases, the associated mātāuranga Māori or traditional knowledge, for research and other purposes (including commercialisation).

## Signed

No

**Legislation Required**

Yes

**Ratification Required**

Unknown

# Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea

## Treaty Type

Multilateral

## Responsible Department

Transport

## Subject and Purpose

The Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules) is a private international law convention that allocates financial and legal risk between the carrier and cargo interests and regulates for such matters as:

- minimum obligations of the shipper and carrier
- special rules for dangerous goods
- electronic commerce, and
- extension to non-negotiable instruments.

The Rotterdam Rules apply to Contracts of Carriage, Bills of Lading and non-negotiable documents. New Zealand is currently a Party to the Hague-Visby Rules. The objectives of this new convention are to: (i) update the rules applicable to maritime carrier liability; and (ii) develop an instrument that will be widely adopted, thereby harmonising the international application of maritime carrier liability rules (there are currently three maritime carrier liability regimes in existence). The general scope-of-application provisions of the Rotterdam Rules mean that it will apply to shipments either to or from a State Party. The implication for New Zealand is that, depending on whether New Zealand's trading partners adopt the Rules, New Zealand traders may find themselves subject to its rules regardless of whether New Zealand adopts them.

## Negotiation Status

Multilateral. The Rotterdam Rules are currently open for signature. The Rotterdam Rules will come into force one year after 20 countries have ratified.

## Information about required legislation

To be determined.

## Impacts on Māori

The convention will have little or no implications for Māori interests.

## Impacts on stakeholders

Should an assessment support the case for accession to the treaty, consultation would likely involve the release of a discussion paper calling for written submissions. Interest groups with which consultation is appropriate include: (i) the shipping industry and their organisations; (ii) cargo interests, exporters and organisations such as Export New Zealand; (iii) the maritime insurance industry and their organisations such as the Insurance Council of New Zealand; (iv) the maritime legal community and the Maritime Law Association of Australia and New Zealand; and (v) banks (in relation to negotiable documents).

## Signed

No

**Legislation Required**

Yes

**Ratification Required**

Unknown

# Framework Agreement on the Establishment of the International Solar Alliance

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The International Solar Alliance (ISA) is an inter-governmental organisation founded on developing and sharing solar energy expertise to reduce dependence on fossil fuels. The ISA is established by the Framework Agreement, which is an international treaty.

## Negotiation Status

Negotiations concluded. The Agreement was signed on 7 February 2023.

## Impacts on Māori

No specific potential impact on Māori interests is anticipated. The ISA membership could benefit New Zealand more broadly and help advance our climate change agenda by increasing New Zealand's expertise and knowledge in the field of solar energy.

## Impacts on stakeholders

The ISA membership could benefit New Zealand and help advance our climate change agenda by increasing New Zealand's expertise and knowledge in the field of solar energy.

There would be advantages for New Zealand companies to increase expertise in the field and develop high quality solar solutions. New Zealand companies have already played a key role in flagship solar projects in the Pacific through New Zealand's development assistance programme. The ISA will likely provide further opportunities, enhancing New Zealand's commercial competitiveness in the sector.

## Signed

Yes

## Legislation Required

No

## Ratification Required

Yes

# Implementing Agreement on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

In December 2017 the UN General Assembly established an Intergovernmental Conference to develop the text of a draft agreement under the UN Convention on the Law of the Sea. The agreement focuses on the conservation and sustainable use of marine biodiversity in the high seas and deep seabed (known as 'areas beyond national jurisdiction'). The purpose of the agreement is to address the rapid decline of marine biodiversity in these areas, to clarify the legal regime for the use of marine genetic resources from these areas, and to facilitate developing country participation in the conservation and sustainable use of marine biodiversity. The treaty will not affect New Zealand's rights and responsibilities for its marine areas but will affect the activities of New Zealanders and New Zealand companies operating in the high seas and seabed beyond national jurisdiction.

The agreement covers four substantive issues:

1. Marine genetic resources, including questions on the sharing of benefits;
2. Measures such as area-based management tools, including marine protected areas;
3. Environmental impact assessments; and
4. Capacity-building and the transfer of marine technology.

## Negotiation Status

Multilateral. Negotiations commenced in September 2018 and concluded in March 2023, with the text adopted in June 2023 after five negotiating sessions. New Zealand signed the agreement on 20 September 2023.

## Impacts on Māori

Māori have expressed interest in the negotiations, particularly references in the draft text to traditional knowledge of indigenous peoples. Other interests include high seas fishing interests, protection of tāonga species and Māori/indigenous representation. Pānui were disseminated in August 2018 to introduce Māori audiences to the issues covered in the negotiations, and December 2019 to update on progress. A representative of Te Ohu Kaimoana has attended two rounds of negotiations so far to assist them in keeping their members informed. A hui was held in February 2020 and a Working Group has been established to obtain more detailed Māori input into New Zealand's approach to the negotiations, in addition to ongoing pānui and hui. The Working Group first met in March 2020 and is expected to meet regularly throughout the negotiation process. In addition, Ministry officials have invited views from the Working Group on the subject matter of the intersessional work and have made available an opportunity for a member of the Working Group to "observe" these virtual discussions.

## Impacts on stakeholders

The Agreement contains international legal obligations that would require New Zealanders and

New Zealand companies operating in areas beyond national jurisdiction to be regulated in relation to some activities, for example, access to and use of marine genetic resources. However, the Agreement is designed to respect and not undermine the competences of existing governance bodies.

**Signed**

Yes

**Legislation Required**

Yes

**Ratification Required**

Yes

# International Code of Safety for Ships Operating in Polar Waters

## Treaty Type

Multilateral

## Responsible Department

Maritime New Zealand

## Subject and Purpose

The Polar Code will provide both recommendatory and mandatory provisions for vessels operating in the Antarctic and Arctic. The purpose of the code is to ensure that only vessels suitable for polar conditions operate in those waters.

The Code will be a stand-alone instrument, to be made mandatory via tacit acceptance under the Convention on Safety of Life at Sea (SOLAS) and the Convention on Marine Pollution (MARPOL), as appropriate.

As a country from whose ports vessels depart for Antarctica together with our responsibility for Search and Rescue coordination in the Ross Sea and our commitment to protecting the Antarctic environment, New Zealand has a strong interest in the development of the mandatory code for ships operating in polar waters.

## Negotiation Status

Multilateral. The Polar Code was first considered by the IMO Subcommittee on Design and Equipment in February 2010 and the text of the Phase I of the Code has now been negotiated. The Polar Code and SOLAS amendments were adopted during the 94th session of IMO's Maritime Safety Committee (MSC) in November 2014; the environmental provisions and MARPOL amendments were adopted during the 68th session of the Marine Environment Protection Committee (MEPC) in May 2015.

The entry into force of the SOLAS and MARPOL amendments for Phase 1 was 1 January 2017, under the tacit acceptance procedure. It will apply to new ships constructed after that date. Ships constructed before 1 January 2017 will be required to meet the relevant requirements of the Polar Code by the first intermediate or renewal survey, whichever occurs first, after 1 January 2018. Phase 2 of the Polar Code negotiations have begun to explore whether any or all aspects of the current Code can be applied to non-SOLAS vessels.

## Information about required legislation

The International Maritime Organisation will bring the code into force through amendments under the tacit acceptance procedures of SOLAS and MARPOL. As a party to both conventions, New Zealand has implemented the Code through amendments to the relevant Maritime and Marine Protection Rules.

## Impacts on Māori

No specific potential impact on Māori interests anticipated.

## Impacts on stakeholders

This treaty will be of interest to the: (i) tourism industry; (ii) fishing industry; (iii) Antarctic and

Southern Ocean Coalition; and (iv) National Institute of Water and Atmospheric Research (Research Ship). The Code applies to SOLAS vessels and takes a risk-based approach. As such it is likely that more stringent design, equipment and operating standards will create additional compliance costs for vessels operating in Antarctic waters. The environmental aspects of the Code will apply to fishing vessels but given the stringent environmental requirements already applicable to the Antarctic, and given New Zealand's limited engagement in the Arctic, any obligations should be minimal.

**Signed**

N/A

**Legislation Required**

Yes

**Ratification Required**

Unknown

# International Legally Binding Instrument on Plastic Pollution, including in the Marine Environment

## Treaty Type

Multilateral

## Responsible Department

Ministry of Foreign Affairs and Trade and the Ministry for the Environment

## Subject and Purpose

At the fifth session of the United Nations Environment Assembly (UNEA-5.2) from 28 February to 2 March 2022, countries across the world agreed to work towards a new global agreement on combatting marine plastic litter and plastic pollution.

The mandate agreed at UNEA-5.2 to negotiate a global agreement. The development of a global agreement will cover the full life cycle of plastics from production to disposal and will include microplastics in its scope.

The summary report of the UNEA's Expert Group on Marine Litter and Microplastics [UNEA website] identifies a range of potential options to address the marine plastic litter problem.

## Negotiation Status

Negotiations are ongoing.

## Impacts on Māori

The Plastics Treaty is likely to impact all New Zealanders including Māori, from the manufacture and design of plastics and plastic products, through to the sale, use, and disposal of plastic waste. There will be positive impacts for te taiao, and the potential for new economic opportunities. There are also likely to be costs; e.g., investments, changing business models, new reporting/compliance requirements.

We are working closely with a range of stakeholders (including organisations such as Plastics NZ, Scion, Para Kore, Greenpeace and Aotearoa Plastic Pollution Alliance) who helped inform our Cabinet negotiating mandate agreed in 2022, and approach to each Intergovernmental Negotiating Committee meeting. We have also been working closely with the Tāngata Whenua Coalition for an Effective Plastics Treaty (TWC), which is a collaborative forum of Māori plastic pollution experts committed to ensuring effective participation and representation of Tāngata Whenua throughout negotiations towards the plastic treaty.

## Impacts on stakeholders

If you would like further information about the plastics treaty or would like to engage directly with us, please contact [UNPlasticsTreaty@mfe.govt.nz](mailto:UNPlasticsTreaty@mfe.govt.nz). You can also find more information and links to relevant documents about the plastics treaty on the Ministry for the Environment's webpage: <https://environment.govt.nz/what-government-is-doing/international-action/towards-a-global-treaty-to-combat-plastic-pollution/>.

## Signed

No

**Legislation Required**

Unknown

**Ratification Required**

Not yet

# Minamata Convention on Mercury

## Treaty Type

Multilateral

## Responsible Department

Environment

## Subject and Purpose

The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury emissions.

Mercury is used in a variety of products and processes and can have devastating effects on human health and the environment. Due to its hardy nature as an element, it is virtually impossible to destroy, and can travel swiftly between countries through primary use, products, waste, emissions to air, and releases to land or water.

The Convention targets a number of aspects of the mercury life cycle, including:

- primary mining of, and trade in, mercury and mercury compounds
- trade in mercury-added products (such as some batteries and light-bulbs)
- manufacturing processes in which mercury or mercury compounds are used
- emissions of mercury to air, and releases to land and water
- environmentally sound storage of mercury
- transboundary movement in mercury waste, mercury-contaminated or mercury-containing wastes
- mercury contaminated sites
- increasing knowledge through awareness raising and information exchange
- specifying arrangements for capacity building, and
- addressing implementation and compliance recognising that the ability of some countries to implement their obligations is dependent on developing capacity.

## Negotiation Status

The negotiations commenced in June 2010 in Stockholm, and concluded in Geneva in January 2013, after five negotiations sessions. New Zealand signed the Convention in Japan in October 2013. Parliamentary Treaty Examination and National Interest Analysis were concluded in 2014. New Zealand will ratify the Convention once the required domestic implementation measures are developed.

## Information about required legislation

Parliament has completed the treaty examination process for the Minamata Convention on Mercury. Ratification will take place once the domestic measures to implement the Convention are developed. The Ministry for the Environment undertook two consultations in 2020 to enable New Zealand to complete the outstanding steps on domestic measures. The Ministry consulted on proposals to set controls on emissions to air from mercury, as part of a broader review of the National Environmental Standards on Air Quality. The Ministry also consulted on proposals to control the trade in mercury and mercury-containing products. For information about these consultations see: <https://www.mfe.govt.nz/consultations/improving-our-air> and <https://www.mfe.govt.nz/consultations/mercury-managing-trade>.

**Impacts on Māori**

None specific to Māori. The Ministry for the Environment sought direct input from Māori during the 2020 consultations.

**Impacts on stakeholders**

Will control some uses, emissions and releases of mercury, as well as specified products containing mercury, and transboundary movement of mercury in waste. Further consultation will occur as part of the legislative process.

**Signed**

Yes

**Legislation Required**

Yes

**Ratification Required**

Yes

# Nagoya / Kuala Lumpur Supplementary Protocol on Liability and Redress Damage to the Cartagena Protocol on Biosafety

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

Parties to the *Cartagena (Biosafety) Protocol to the Convention on Biological Diversity*, including New Zealand, have negotiated a Supplementary Protocol that sets out rules and procedures on liability and redress for damage resulting from the import and export of “living modified organisms” (LMOs) also known as genetically modified organisms. The Supplementary Protocol sets out an “administrative” (as distinct from judicial) approach on responsibility for addressing damage to biodiversity.

## Negotiation Status

The Supplementary Protocol was adopted by the Conference of the Parties serving as the Meeting of the Parties to the Cartagena Protocol in October 2010. The Supplementary Protocol entered into force on 5 March 2018. New Zealand has not signed or ratified the Supplementary Protocol.

## Impacts on Māori

It is anticipated that any impact would be minimal as domestic legislation already provides protection of New Zealand interests.

## Impacts on stakeholders

As above.

## Signed

No

## Legislation Required

Unknown

## Ratification Required

Unknown

# South Indian Ocean Fisheries Agreement

## Treaty Type

Multilateral

## Responsible Department

Primary Industries

## Subject and Purpose

In 1999, an unregulated orange roughy fishery emerged in the high seas of the South West Indian Ocean. In response to this development, discussion began with key players, including New Zealand, on the establishment of a regional fisheries management arrangement. Parallel to these discussions, negotiations were taking place between east African coastal States on a draft Agreement to establish a South West Indian Ocean Fisheries Commission (SWIOFC). In 2001, it became clear that the two processes should be linked and the first consultation to establish a SWIOFC, including for high seas demersal fishery resources, took place. At the third consultation in January 2004, it was agreed that the interests of developing coastal States for cooperation and development in relation to fisheries within Exclusive Economic Zone jurisdictions would be progressed separately from interests in the high seas fisheries. A separate high seas agreement would therefore be negotiated.

The SIOFA aims to establish a legally binding framework to manage the demersal species in the high seas areas of the South Indian Ocean. The objectives of the agreement are to ensure the long-term conservation and sustainable use of the fishery resources in this area and to promote sustainable development of fisheries taking into account the needs of developing states bordering the region and a Party to the agreement. The agreement provides mechanisms for the Meeting of Parties to adopt legally binding conservation and management measures to achieve those objectives that contracting parties will be required to implement and enforce.

## Negotiation Status

Multilateral. Negotiations concluded. Text adopted at a Diplomatic Conference held in July 2006. New Zealand signed the agreement in July 2006 but is not actively considering ratification at this time.

## Impacts on Māori

We do not expect there will be an impact on Māori should New Zealand ratify this Agreement. If New Zealand was to ratify the Agreement, any catch entitlement for New Zealand would be made available to New Zealand flagged vessels on a competitive basis. There are no New Zealand flagged vessels fishing in the SIOFA area.

## Impacts on stakeholders

We do not expect there will be an impact on other stakeholders. There are no New Zealand flagged vessels fishing in the SIOFA area. If New Zealand claimed a catch entitlement after ratification, this entitlement would be made available to NZ flagged vessels.

## Signed

Yes

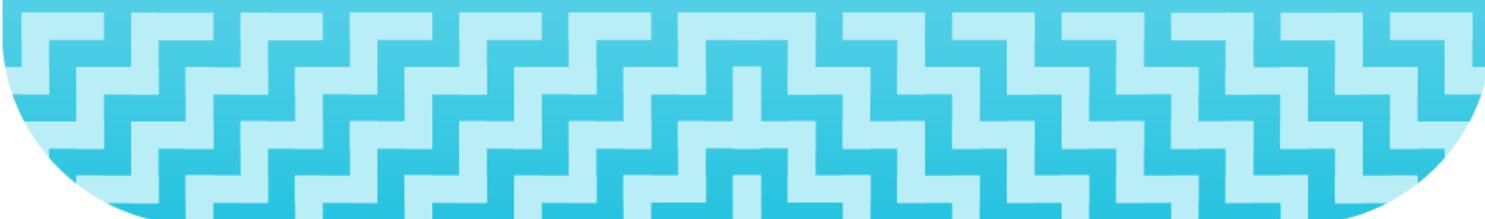
## Legislation Required

Unknown

**Ratification Required**

Yes

# Health



# Agreement between the Government of New Zealand and the Government of Australia for the Establishment of a Joint Scheme for the Regulation of Therapeutic Products

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Health

## Subject and Purpose

This agreement provides for the establishment of a joint therapeutic products regulatory authority and regulatory scheme for prescription and non-prescription medicines, complementary medicines, medical devices, blood and tissue/cellular products. The authority would be responsible for ensuring the quality, safety, efficacy and timely availability of therapeutic products manufactured or supplied in Australia and/or New Zealand or exported from Australia or New Zealand to a third country.

The primary objective of the Parties in concluding this agreement was to safeguard public health and safety in Australia and New Zealand by establishing and maintaining a joint scheme consistent with international best practice for the regulation of the quality, safety, and efficacy or performance of therapeutic products, and of their manufacture, supply, import, export and promotion.

The other objectives of the Parties in concluding this agreement are:

- to establish a world-class regulatory authority to be responsible for the effective and efficient administration of the scheme and to be accountable to both Parties;
- to establish a Ministerial Council to oversee the implementation of the scheme and the operation of the Authority and to perform certain functions to give effect to the scheme; and
- to avoid barriers to trade except where such barriers are necessary to safeguard public health or safety, or to fulfil other legitimate objectives consistent with the Parties' international obligations.

## Negotiation Status

Bilateral. The treaty was signed on 10 December 2003 and presented to the House on 30 March 2004. The treaty was referred to the Health Committee for the Parliamentary treaty examination process. The Health Committee issued its report on the treaty examination on 18 June 2004. The Government response to the report of the Health Committee was tabled in Parliament on 14 September 2004. The treaty can be ratified once legislation is passed. Negotiations on this treaty are currently on hold.

## Information about required legislation

The Therapeutic Products Bill was introduced in December 2006 and referred to the Government Administration Committee. On 16 July 2007, the then State Services Minister Annette King announced the postponement of negotiations with Australia. The legislation remains on the

Parliamentary Order Paper. On 20 June 2011 the Prime Ministers of New Zealand and Australia announced that the New Zealand and Australian Governments had agreed to proceed with a joint scheme for the regulation of therapeutic goods (for example, medicines, medical devices, and biologicals). New Zealand is introducing a separate scheme to regulate natural health products in the New Zealand Market. A three-phase and staged approach over a period of up to five years will be adopted to progressively achieve the establishment of ANZTPA.

### **Impacts on Māori**

The preparation and supply of medicine by practitioners, such as Chinese medicine practitioners and traditional Māori healers, will not be subject to regulation under the joint scheme. The proposed scheme has been the subject of consultation with stakeholders. A discussion paper was released to stakeholders, including Māori interest groups in June 2002 and 1600 submissions were received in New Zealand.

### **Impacts on stakeholders**

A series of consultations with pharmaceutical, medical device and complementary medicine stakeholders and with other interested parties including consumer groups was also held in 2001. Consultation took place throughout 2006 and 2007.

### **Signed**

Yes

### **Legislation Required**

Yes

### **Ratification Required**

Yes

# International Instrument on Pandemic Prevention, Preparedness and Response

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

In November 2021, New Zealand and other World Health Organization (WHO) Member States agreed to establish an Intergovernmental Negotiating Body (INB) to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (PPPR). A new pandemic instrument was a key recommendation of the Independent Panel for Pandemic Preparedness and Response. New Zealand sees this as an important step towards preparing the world for future health emergencies and ensuring that a global health crisis of this magnitude does not occur again.

## Negotiation Status

Negotiations began in February 2022 and are currently at an early stage. Negotiations will continue over the next two years and governments are working towards a delivering an outcome to the 77th session of the World Health Assembly in 2024. No draft text of proposed pandemic instrument has been presented to WHO Member States, and the legal form of the instrument has not yet been confirmed. The INB may recommend a non-legally binding option, such as a political declaration. Aotearoa New Zealand submitted our initial views on the 'substantive elements' to be included in the instrument earlier this year, taking into account our key domestic, Pacific regional and global health security interests. This submission will shortly be made available on the MFAT and Ministry of Health websites.

## Impacts on Māori

The INB's negotiations are key to ensuring more equitable health outcomes in future health emergencies. It is widely recognised that the COVID-19 pandemic has exacerbated existing health inequities around the world, and in New Zealand, Māori have been disproportionately affected by COVID-19 (and are at higher risk of adverse outcomes than the general population). In line with Te Tiriti o Waitangi obligations, Māori views on an instrument for pandemic prevention, preparedness and response and its substance will be sought throughout the INB process, including via the online submission tool. This feedback will inform the Government's negotiating position within the INB. More broadly, Aotearoa New Zealand is advocating for Health equity (within and between countries) to be a guiding principle of the instrument.

## Impacts on stakeholders

The COVID-19 pandemic has highlighted that the international system for pandemic prevention, preparedness and response requires strengthening. As negotiations on the form of the future instrument are ongoing, there is currently insufficient information to determine the exact scope of any impact on stakeholder groups in Aotearoa New Zealand. However, the Government is committed to consulting interested parties throughout the process. MFAT and the Ministry of Health will shortly begin a consultation process, hosted by MFAT, to hear what New Zealanders want to see in a new international pandemic prevention, preparedness and response instrument. A document summarising responses to this round of public feedback will also be prepared and published on the MFAT and Ministry of Health websites. The summary will be anonymised and will

not contain any personal or identifiable information. These views will help guide and inform New Zealand's overall engagement as we participate in negotiations. Should the INB eventually recommend a legally binding international instrument such as a treaty, this would require a process of Cabinet and Parliamentary scrutiny. This would include a Select Committee process, which provides an opportunity for the public to make submissions on the treaty.

**Signed**

N/A

**Legislation Required**

Unknown

**Ratification Required**

Unknown

# Protocol to Eliminate Illicit Trade in Tobacco Products

## Treaty Type

Multilateral

## Responsible Department

Health

## Subject and Purpose

The WHO Framework Convention on Tobacco Control (FCTC) is a multilateral convention. On 12 November 2012, the Conference of the Parties adopted the first Protocol under the FCTC - the Protocol to Eliminate Illicit Trade in Tobacco Products (the Protocol), which aims to eliminate all forms of illicit trade in tobacco products. Following the ratification of United Kingdom of Great Britain and Northern Ireland on 27 June 2018, the conditions for the entry into force of the Protocol have been met. The Protocol came into force on 25 September 2018. More details can be found at: <http://www.who.int/fctc/protocol/en/>.

## Negotiation Status

The Protocol is currently open for accession by the Parties to the FCTC. Any protocol to the Convention only binds Parties to the protocol in question. New Zealand has not acceded to the Protocol.

In 2015 - 2016, the Ministry of Health consulted on whether New Zealand should accede to the Protocol. Most stakeholders generally supported NZ accession to the Protocol. Several stakeholders stated that further work needed to be done on administrative costs and implementation models (in particular, of the 'track and trace' model).

However, the consultation also indicated that illicit tobacco trade is not currently a significant problem in New Zealand. Action on Smoking and Health estimates the size of the NZ illicit tobacco market to be only 1.8 - 3.9% of total tobacco consumption in 2013. A 2010 estimate by the tobacco industry concluded that illicit tobacco represented approximately 3.3% of total tobacco consumption in NZ. By contrast, the UK market was estimated at around 11%. The Organised and Financial Crime Agency of NZ agreed with this general assessment and confirmed that the NZ illicit tobacco market is not comparable to that in Asia or Europe.

The Government considered that accession would not significantly impact the Smoke-free 2025 goal, and that resources would be better applied to other tobacco control interventions. On this basis, the Government has deferred its consideration of whether it should accede to the Protocol. Further information can be found at:

<http://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/who-framework-convention-tobacco-control/illicit-trade-protocol>.

## Information about required legislation

To meet the obligations of the Protocol the Smoke-free Environments Act 1990 and the Customs and Excise Act 1996 would need to be amended. For example, the Protocol requires Parties to establish a track and trace regime for all tobacco products and this would require legislative amendment.

## Impacts on Māori

Māori smoking rates are much higher than those of other ethnic groups, and smoking is a

significant contributor to Māori/non-Māori health inequalities. Māori are a priority group for tobacco control initiatives, including smoking cessation services.

**Impacts on stakeholders**

International efforts to reduce access to and use of tobacco will assist New Zealand to reduce its smoking rates.

**Signed**

No

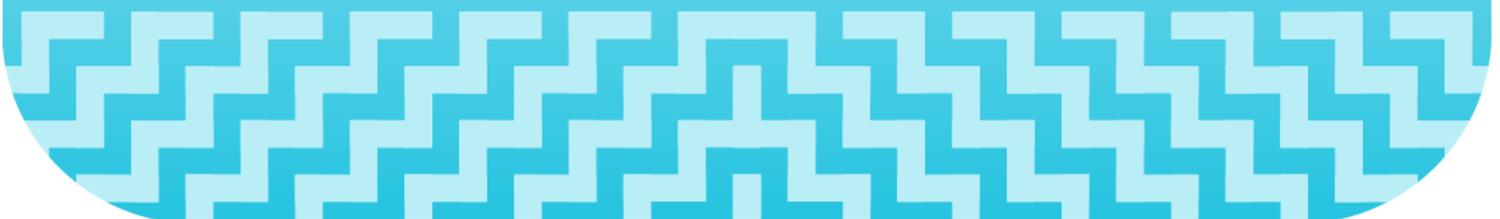
**Legislation Required**

Yes

**Ratification Required**

Unknown

# **International civil and criminal law**



# Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The objectives of the convention shall be:

- To promote and strengthen measures to prevent and combat the use of ICTs for criminal purposes/cybercrime, while protecting ICT users from such crime.
- To promote, facilitate and support international cooperation in preventing and combating the use of ICTs for criminal purposes/cybercrime.
- To provide practical tools to enhance technical assistance among States Parties and build the capacity of national authorities to prevent and combat the use of ICTs for criminal purposes/cybercrime, and strengthen measures to promote the exchange of information, experiences and good practices.

## Negotiation Status

There have been two sessions, with a third planned later in 2022. More information on these sessions, as well as other meetings, and intersessional consultations, can be found at [Ad Hoc Committee - Home \(unodc.org\)](#)

- [First session, New York, 28 February-11 March 2022](#)
- [Second session, Vienna, 30 May-10 June 2022](#)
- [Third session, New York, 29 August-9 September 2022](#)

## Impacts on Māori

Potential impacts of the treaty on Māori interests have been identified through a separate, ongoing process to accede to another international cybercrime treaty, the Council of Europe's Budapest Convention. Issues raised by Māori stakeholders include adverse effects on Māori data sovereignty, data capture and distribution, impacts on cultural IP protection, and the discrimination of minority groups in domestic and international judicial processes. These issues are being closely monitored during the UN cybercrime treaty process and Māori stakeholder groups and individual subject matter experts are specifically targeted during regular, iterative consultations on New Zealand's negotiating position.

## Impacts on stakeholders

The negotiating mandate outlines a commitment to ongoing consultation with interested domestic stakeholders throughout the negotiating process. Targeted groups include a range of private sector, civil society, academics and Māori stakeholder groups. Concerns exist around the potential for government overreach and unnecessary regulation of private sector firms, as well as the potential for some aspects of the treaty to cause adverse effects on human rights, particularly the freedom of expression and the right to privacy.

**Signed**

No

**Legislation Required**

Unknown

**Ratification Required**

Unknown

# Amendments on the crime of aggression to the Rome Statute of the International Criminal Court

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Rome Statute was adopted in 1998 and established the International Criminal Court. The Review Conference of the Rome Statute in Kampala, Uganda, held from 31 May to 11 June 2010 considered proposed amendments to the Statute.

The Review Conference of the Rome Statute adopted the amendments on the crime of aggression on 11 June 2010 by Resolution RC/Res.6. The crime of aggression amendments amends the Rome Statute so as to include a definition of the crime of aggression and the conditions under which the Court may exercise its jurisdiction over the crime. The crime of aggression amendment entered into force on 17 July 2018 by Resolution ICC-ASP/16/Res.5.

## Negotiation Status

The text of the crime of aggression amendments can be found here:

<https://treaties.un.org/doc/source/docs/RC-Res.6-ENG.pdf>

The crime of aggression amendment entered into force on 17 July 2018. The resolution of the Assembly of States Parties can be found here:

[https://asp.icc-cpi.int/iccdocs/asp\\_docs/Resolutions/ASP16/ICC-ASP-16-Res5-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/Resolutions/ASP16/ICC-ASP-16-Res5-ENG.pdf)

In accordance with the Rome Statute, the crime of aggression amendment enters into force for those States Parties which have accepted the amendment one year after the deposit of their instruments of ratification or acceptance. In the case of a State Party referral or *proprio motu* investigation (investigation initiated by the Prosecutor's own initiative) the Court shall not exercise its jurisdiction regarding a crime of aggression when committed by a national or on the territory of a State Party that has not ratified or accepted the amendment.

The following steps are required in the treaty making process before New Zealand becomes bound by the amendments:

- obtaining Cabinet approval
- parliamentary treaty examination
- the making of implementing legislation or regulations
- submitting an instrument of ratification notifying completion of domestic requirements for entry into force.

## Information about required legislation

Amendments to the International Crimes and International Criminal Court Act 2000 implementing the crime of aggression amendments are required.

## Impacts on Māori

No specific potential impact on Māori interests is anticipated.

**Impacts on stakeholders**

No specific potential impact on stakeholders anticipated.

**Signed**

N/A

**Legislation Required**

Yes

**Ratification Required**

Unknown

# Convention on Cybercrime

## Treaty Type

Multilateral

## Responsible Department

Justice

## Subject and Purpose

The Convention establishes common elements for cybercrime offences, common search and surveillance powers with respect electronic evidence, and common provisions for supporting mutual legal assistance with international investigations.

## Negotiation Status

The Convention came into force in 2004. In September 2020 New Zealand received an invitation to accede from the Council of Europe. This invitation lasts five years. On 18 February 2021 New Zealand announced its intention to accede to the Convention, progressing a recommendation by the Royal Commission of Inquiry into the Christchurch terror attack to accede. The next steps that must be completed before New Zealand can join the Convention is for a Bill to be introduced to Parliament seeking the necessary legislative changes.

## Information about required legislation

Changes would need to be made to the Search and Surveillance Act 2012, the Mutual Assistance in Criminal Matters Act 1994, the Crimes Act 1961, and the Customs and Excise Act 2018. Primarily, this would be to: - introduce a preservation order scheme, - extend access to surveillance device warrants in international investigations, and - create confidentiality obligations for third parties that assist in executing preservation orders or surveillance device warrants.

## Impacts on Māori

We have engaged in targeted consultation with several Māori organizations around a discussion document. Issues raised included - Māori in the criminal justice system and ownership/control over Māori data. Consultation has confirmed that Māori interests are engaged by the Convention, though we have assessed the impacts as relatively minor (though sensitive).

## Impacts on stakeholders

We consulted the telecommunications and cloud computing industries, as well as wider criminal justice civil society. Concerns exist around allocation of costs of executing orders, and on ensuring appropriate safeguards and transparency of new Search and Surveillance Act powers.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children

## Treaty Type

Multilateral

## Responsible Department

Justice

## Subject and Purpose

The convention aims to provide for the better protection of children and their property in cross-border situations and improve inter-state co-operation. The convention establishes rules in respect of jurisdiction and applicable law and provides for the recognition and enforcement of measures taken in one contracting state to be recognised and enforced in all other contracting states.

## Negotiation Status

Multilateral. Parliamentary treaty examination was completed on 29 July 2010. Work on the Protection Convention is on hold.

## Information about required legislation

Legislation to implement the Convention falls within the following broad areas: objects/purpose of the Convention, definitions and new terminology, jurisdiction and applicable law, recognition and enforcement of measures of protection and arrangements for co-operation between NZ and overseas courts and administrative authorities.

## Impacts on Māori

A reservation is proposed to better protect the jurisdiction of NZ authorities (including courts) to take measures about the property of a child situated in NZ, for example, a Māori child's interest in Māori land, a non-Māori child's interest in Māori land (this is possible for various historic reasons), a child's interests in collectively owned assets or arising from their affiliation to an iwi. The effect of the reservation means that the child does not have to be habitually resident in NZ for a NZ court to take measures. An overseas court might still take measures, but a NZ court may refuse to recognise these insofar as they are incompatible with a NZ measure. A NZ court may also ask an overseas court to transfer jurisdiction, or a foreign court may ask NZ to assume jurisdiction for any property matters. An important point to note, is that the Convention does not encroach on systems of property law. It does not cover the substantive law relating to the content of rights over property, such as disputes in relation to ownership/title of property. A measure directed to the protection of a child's property may include, for example, the appointment of a guardian ad litem to protect the child's interests regarding certain property within the context of specific pending litigation. Any consultation on these matters will be through Te Puni Kokiri.

## Impacts on stakeholders

N/A

## Signed

No

**Legislation Required**

Yes

**Ratification Required**

Unknown

# Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters

## Treaty Type

Multilateral

## Responsible Department

Justice

## Subject and Purpose

The convention deals with the taking of evidence overseas for the purposes of judicial proceedings in civil and commercial cases.

## Negotiation Status

Multilateral. The convention was concluded in 1971. New Zealand is considering acceding to the convention; however, all work was put on hold in 2010 and has not yet resumed.

## Impacts on Māori

There are no potential impacts on Māori interests from this Convention.

## Impacts on stakeholders

No specific potential impact on stakeholders anticipated.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Optional Protocol III to the Convention on the Rights of the Child

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

Most United Nations international human rights treaties have a 'communications mechanism' which provides the opportunity for individuals to submit a communication to a UN Committee alleging that their human rights have been violated. The Convention on the Rights of the Child (CRC), ratified by New Zealand in 1993 when first adopted did not have such a mechanism. The Optional Protocol III establishes this mechanism.

## Negotiation Status

Multilateral. The Council transmitted the text to the UN General Assembly for adoption and opening for signature in 2012. New Zealand undertook to consider the implications of signing and ratifying the OP-CR--IC as part of its commitment to the CRC at the conclusion of New Zealand's UPR in 2014 and 2018. No decision has been taken yet on whether New Zealand will become Party to the Protocol.

## Impacts on Māori

The potential impact on Māori interests is still under review and will be considered alongside and in consultation with Māori as the discussions around whether New Zealand will become a party to the protocol continue.

## Impacts on stakeholders

NGOs active in the area of children's rights will be interested in the opportunities offered by the protocol. No decision has been taken yet on whether New Zealand will become Party to the Protocol.

## Signed

No

## Legislation Required

Unknown

## Ratification Required

Unknown

# United Nations Comprehensive Convention Against Terrorism

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Comprehensive Terrorism Convention is intended to supplement the existing core international counter-terrorism treaties. Whereas those treaties outlaw specific types of terrorism such as hijacking, the Comprehensive Terrorism Convention would contain a generic offence intended to fill the gaps left by those earlier treaties. The main unresolved issue is the nature of any exceptions; in particular, the situation of struggles against foreign occupation.

## Negotiation Status

The proposal remains under discussion.

## Impacts on Māori

No specific potential impact on Māori interests anticipated.

## Impacts on stakeholders

No specific potential impact on stakeholders anticipated.

## Signed

N/A

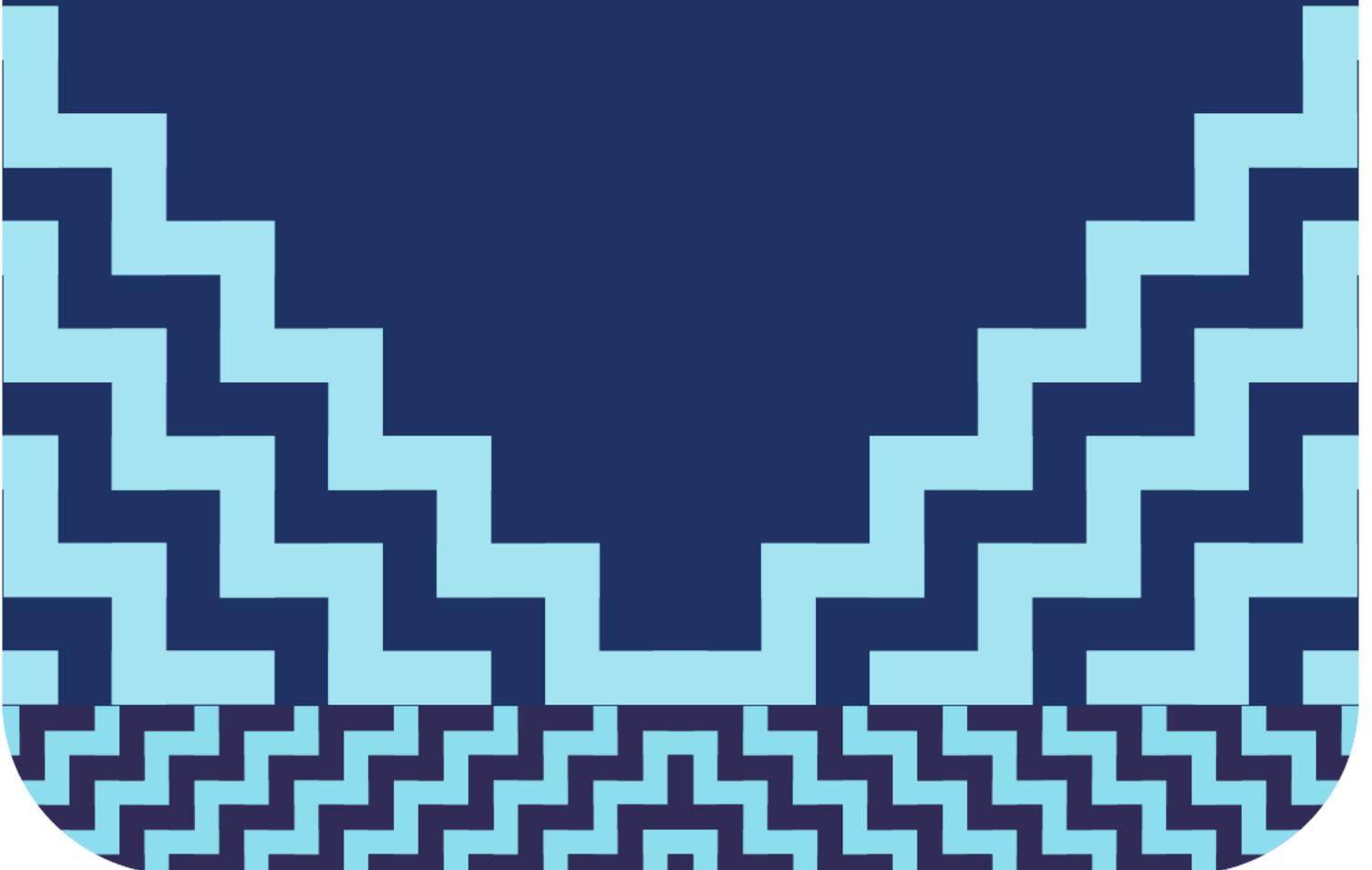
## Legislation Required

Unknown

## Ratification Required

Unknown

**Other**



# **Agreement Between the European Union and New Zealand on the participation of New Zealand in Union programmes, and the Protocol on the association of New Zealand to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027)**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Foreign Affairs and Trade

## **Subject and Purpose**

The Agreement Between the European Union and New Zealand on the participation of New Zealand in Union programmes, and the Protocol on the association of New Zealand to Horizon Europe (2021-2027) constitute a treaty for New Zealand to associate to Pillar Two of Horizon Europe (the Treaty).

This treaty wishes to establish a lasting framework for cooperation between the Parties with clear conditions for the participation of New Zealand in Union programmes and activities as well as a mechanism facilitating the establishment of such participation in individual Union programmes or activities.

## **Negotiation Status**

The treaty has been signed and is currently awaiting entry into force.

## **Impacts on Māori**

Consultation with selected Māori researchers demonstrated support for association.

## **Impacts on stakeholders**

No specific potential impact on stakeholders anticipated.

## **Signed**

Yes

## **Legislation Required**

No

## **Ratification Required**

Yes

# Agreement between the Government of the Republic of Türkiye and the Government of New Zealand on the Gainful Occupation of Dependants of Members of Diplomatic Missions and Consular Posts

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

Dependant Employment Agreement between New Zealand and Turkey.

## Negotiation Status

Negotiations have concluded.

## Impacts on Māori

No foreseen potential impacts

## Impacts on stakeholders

No foreseen potential impacts

## Signed

Yes

## Legislation Required

Unknown

## Ratification Required

Yes

# Agreement between the Government of the State of Israel and the Government of New Zealand on Cooperation in Technological Innovation, Research and Development

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Business Innovation and Employment

## Subject and Purpose

The agreement would enable business-to-business collaboration on research and development, facilitated and co-funded by the Israel Innovation Authority and Callaghan Innovation.

## Negotiation Status

The Agreement was signed in Wellington on the 5 March 2020 and is awaiting entry into force.

## Impacts on Māori

The agreement is a high-level framework to enable R&D collaboration. There is no impact on Māori interests inherent in the agreement itself. The agreement will be operationalised through policies, guidelines and templates to be developed by the Israel Innovation Authority and Callaghan Innovation. The Crown's Treaty of Waitangi obligations will be reflected in these documents and their implementation. The guidelines can, among other things, specify any priority sectors for cooperation as well as sectors and technologies which are excluded.

## Impacts on stakeholders

The key stakeholders under the agreement are technology-focused businesses. The impetus for negotiating the agreement was a technology sector mission to Israel in 2016. As is the case for Māori interests, the impact on other stakeholders will be considered in the development of policies and other documents for operationalising the agreement.

## Signed

Yes

## Legislation Required

No

## Ratification Required

Yes

# Dependant Employment Agreement between Turkey and New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

Dependant Employment Agreements (DEAs) provide employment rights to spouses, partners and dependants of diplomats serving at foreign missions. Without one, spouses and dependants have no employment rights under a diplomatic visa. New Zealand has DEAs with 24 countries.

## Negotiation Status

New Zealand and Turkey have finalised negotiations. The Turkey DEA is a reciprocal Agreement that would enable the dependants of both countries' diplomatic/seconded staff to work without having to fully relinquish their diplomatic immunity.

## Impacts on Māori

No specific impact on Māori interests.

## Impacts on stakeholders

DEA's will impact MFAT staff, family and spouses.

## Signed

Yes

## Legislation Required

No

## Ratification Required

Yes

# Exchange of Letters to Amend the Agreement between the Government of New Zealand and the Government of the Italian Republic Regarding the Employment of Co-habiting Dependants of Diplomatic, Consular and Technical/Administrative Personnel

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

Amending the Italy-New Zealand Dependant Employment Agreement. Broadening the scope of the definition of “dependant” will bring it in line with New Zealand’s own recognition policies for de facto and civil union partners. Dependant Employment Agreements (DEAs) provide employment rights to spouses, partners and dependants of diplomats serving at foreign missions. Without a DEA, spouses and dependants have no employment rights under a diplomatic visa.

## Negotiation Status

The amendment to the Treaty has been agreed in principle and is awaiting Cabinet approval.

## Impacts on Māori

There is no anticipated impact on Māori stakeholders.

## Impacts on stakeholders

There are no anticipated impacts on stakeholder interests.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Global Convention on the Recognition of Qualifications concerning Higher Education

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Convention is a legally binding multilateral international treaty, which establishes universal principles for fair, transparent, and non-discriminatory recognition of higher education qualifications and qualifications giving access to higher education and offering avenues for further study and employment.

## Negotiation Status

In progress, next step to deposit Instrument.

## Impacts on Māori

The Convention is expected to have a positive cultural effect for New Zealand. Ratification of the Convention facilitates international exposure to New Zealand's culture and te ao Māori, through encouraging mobility of qualified individuals across the globe. It is also likely to further expose New Zealanders to different cultures, raising cultural and economic awareness, and respect for differences in background.

## Impacts on stakeholders

The Convention will not impose any significant economic costs on New Zealand.

## Signed

N/A

## Legislation Required

No

## Ratification Required

Unknown

# New Zealand-Indonesia Working Holiday Scheme

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The reciprocal Indonesian-New Zealand Working Holiday Scheme will further people-to-people links by enabling young New Zealanders and young Indonesians to holiday and work in each other's countries.

## Negotiation Status

Still in negotiation

## Impacts on Māori

WHS bilateral agreements and arrangements enable young New Zealanders to obtain a working holiday visa in Indonesia and vice versa.

## Impacts on stakeholders

WHS bilateral agreements and arrangements enable young New Zealanders to obtain a working holiday visa in Indonesia and vice versa.

## Signed

N/A

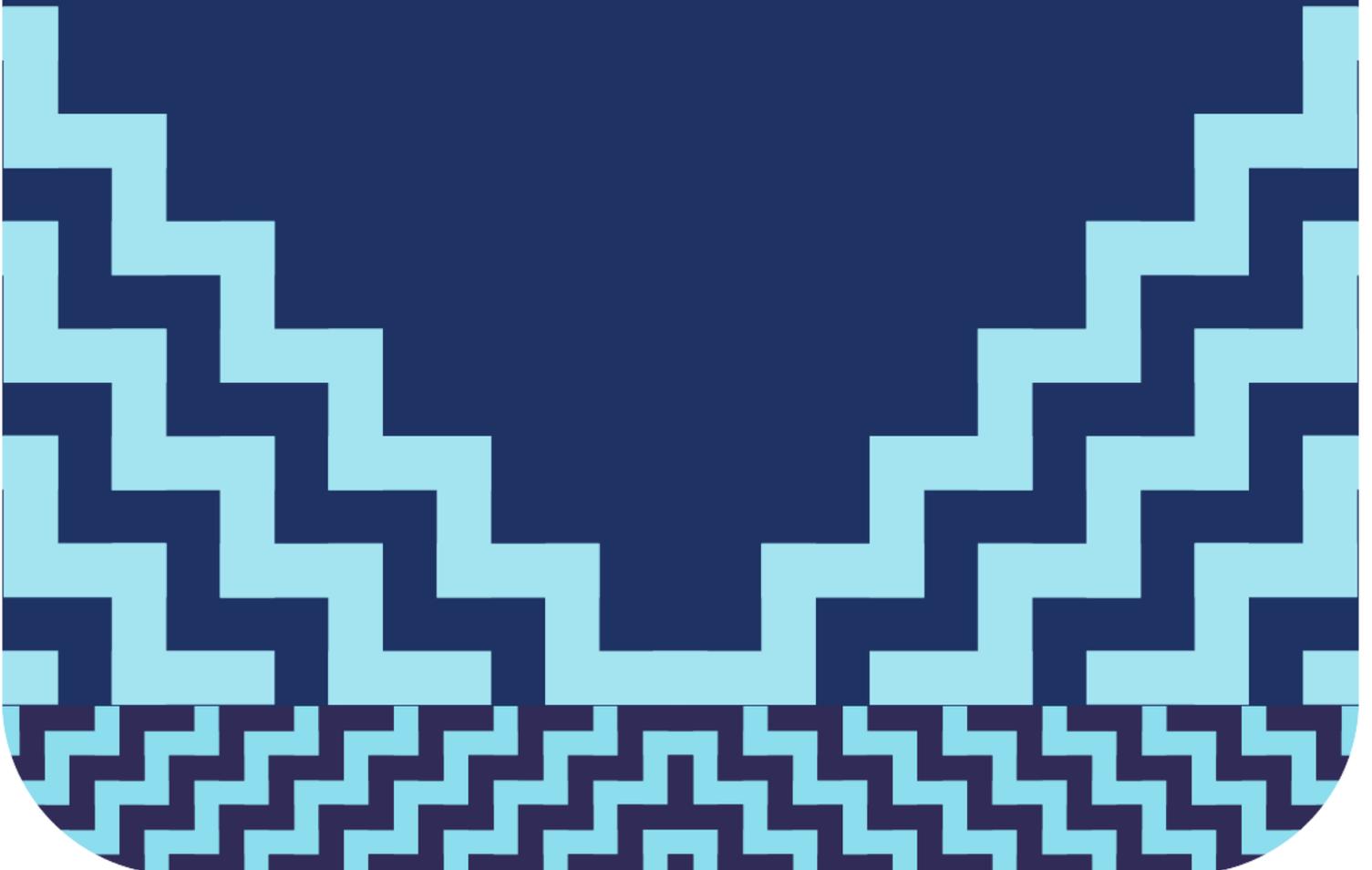
## Legislation Required

Unknown

## Ratification Required

Unknown

# Social security



# Agreement between New Zealand and the Republic of Croatia on Social Security

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Social Development

## Subject and Purpose

Social Security Agreements modify domestic legislation to allow up to 100% of the rate of New Zealand pensions and benefits to be paid into agreement partner countries, and for applications for payments of New Zealand social security benefits to be made from Agreement partner countries. Social Security Agreements also enable people from agreement partner countries to count periods of residence or contribution in one country as periods of residence or contribution in the other, for the purposes of qualifying for social security benefits.

## Negotiation Status

Negotiation rounds were held in September 2003 and October 2004. Negotiations were then suspended in July 2005 as a consequence of the New Zealand government's decision to review its benefit system and assess the utility of adopting a single core benefit (which would have impacted on the content of the SSA). Croatia called a halt to the negotiations on 2 July 2014.

## Information about required legislation

An Order in Council is required to bring the agreement into force.

## Impacts on Māori

The Social Security Agreement between New Zealand and Croatia is unlikely to have any direct impact on Māori interests. The Social Security Agreement will protect the social security rights of all New Zealanders, including Māori, who move between New Zealand and Croatia. The Social Security Agreement will provide for equality of treatment for all persons to whom the agreement applies. The Social Security Agreement will assist New Zealanders who move to Croatia to apply for and receive New Zealand Superannuation. The Social Security Agreement will also enable people to use residence in New Zealand to help them qualify for a Croatian pension. People who live in Croatia for a period and then return to New Zealand will be able to use contributions to the Croatian pension system to help them qualify for New Zealand Superannuation. Croatia will also provide New Zealanders, including Māori, with the same rights under Croatian legislation covered by the Agreement as citizens of Croatia.

## Impacts on stakeholders

Not applicable

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Agreement on Social Security between the Kingdom of Spain and the Government of New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Social Development

## Subject and Purpose

The social security agreement between Spain and New Zealand will provide for the reciprocal payment of social security benefits and pensions. The agreement will allow the costs of benefits and pensions to be mutually shared between governments. It will also allow qualifying periods of residence or contributions in one partner country to be counted as qualifying periods of residence or contributions in the other partner country. The agreement may complement diplomatic linkages and provide practical steps to further governmental and people-to-people connections.

## Negotiation Status

Negotiations are currently underway. It is hoped that the text of the agreement will be completed by the end of 2023 and the agreement will come into force in 2024.

## Information about required legislation

An Order in Council is required to give effect to the Agreement.

## Impacts on Māori

The Social Security Agreement between New Zealand and Spain is unlikely to have any direct impact on Māori interests. The Social Security Agreement will protect the social security rights of all New Zealanders, including Māori, who move between New Zealand and Spain. The Social Security Agreement will provide for equality of treatment for all persons to whom the agreement applies. The Social Security Agreement will assist New Zealanders who move to Spain to apply for and receive New Zealand Superannuation. The Social Security Agreement will also enable people to use residence in New Zealand to help them qualify for a Spanish pension. People who live in Spain for a period and then return to New Zealand will be able to use contributions to the Spanish pension system to help them qualify for New Zealand Superannuation. Spain will also provide New Zealanders, including Māori, with the same rights under Spanish legislation covered by the Agreement as citizens of Spain.

## Impacts on stakeholders

Not applicable

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Agreement on Social Security between the Republic of Cyprus and New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Social Development

## Subject and Purpose

Social Security Agreements modify domestic legislation to allow up to 100% of the rate of New Zealand pensions and benefits to be paid into agreement partner countries, and for applications for payments of New Zealand social security benefits to be made from Agreement partner countries. Social Security Agreements also enable people from agreement partner countries to count periods of residence or contribution in one country as periods of residence or contribution in the other, for the purposes of qualifying for social security benefits.

## Negotiation Status

The text of the agreement is mostly complete and is awaiting final agreement from Cyprus.

## Information about required legislation

An Order in Council will be required to bring the agreement into force.

## Impacts on Māori

The Social Security Agreement between New Zealand and Cyprus is unlikely to have any direct impact on Māori interests. The Social Security Agreement will protect the social security rights of all New Zealanders, including Māori, who move between New Zealand and Cyprus. The Agreement will contain a provision under which all people to whom the Agreement applies will be treated equally. The Social Security Agreement will assist New Zealanders who move to Cyprus to apply for and receive New Zealand Superannuation. The Social Security Agreement will also enable people to use residence in New Zealand to help them qualify for a Cypriot pension. People who live in Cyprus for a period and then return to New Zealand will be able to use contributions to the Cypriot pension system to help them qualify for New Zealand Superannuation. Cyprus will also provide New Zealanders, including Māori, with the same rights under Cypriot legislation covered by the Agreement as citizens of Cyprus.

## Impacts on stakeholders

Not applicable.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Agreement on Social Security between the Republic of Hungary and New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Social Development

## Subject and Purpose

Social Security Agreements modify domestic legislation to allow up to 100% of the rate of New Zealand pensions and benefits to be paid into agreement partner countries, and for applications for payments of New Zealand social security benefits to be made from Agreement partner countries. Social Security Agreements also enable people from agreement partner countries to count periods of residence or contribution in one country as periods of residence or contribution in the other, for the purposes of qualifying for social security benefits.

## Negotiation Status

Negotiations were on hold for some time but recommenced in early 2019.

## Information about required legislation

An Order in Council will be required to bring the agreement into force.

## Impacts on Māori

The Social Security Agreement between New Zealand and Hungary is unlikely to have any direct impact on Māori interests. The Social Security Agreement will protect the social security rights of all New Zealanders, including Māori, who move between New Zealand and Hungary. The Agreement will contain a provision under which all people to whom the Agreement applies will be treated equally. The Social Security Agreement will assist New Zealanders who move to Hungary to apply for and receive New Zealand Superannuation. The Social Security Agreement will also enable people to use residence in New Zealand to help them qualify for a Hungarian pension. People who live in Hungary for a period and then return to New Zealand will be able to use contributions to the Hungarian pension system to help them qualify for New Zealand Superannuation. Hungary will also provide New Zealanders, including Māori, with the same rights under Hungarian legislation covered by the Agreement as citizens of Hungary.

## Impacts on stakeholders

Not applicable.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Social Development

## Subject and Purpose

New Zealand first concluded a social security agreement with the United Kingdom in 1948. The latest agreement between the two countries was signed in 1983.

The agreement is a 'host country' agreement which means that when a person moves to the UK, residence in New Zealand count as periods of national insurance contributions in the United Kingdom to help former New Zealanders resident in the United Kingdom to meet the contribution criteria for the United Kingdom benefits provided in the Agreement. Former United Kingdom residents living in New Zealand can have their periods of national insurance contributions counted as New Zealand residence to meet the residence criteria for the New Zealand benefits provided for in the Agreement.

## Negotiation Status

Negotiations to make revisions to the agreement have been put on hold by the UK.

## Information about required legislation

An Order in Council will be required to make the revisions to the agreement.

## Impacts on Māori

The amendments to the Social Security Agreement between New Zealand and the United Kingdom will not have any direct impact on Māori interests. The revisions to the social security agreement are of a minor nature and do not fundamentally change the agreement. The social security agreement protects the social security rights of all New Zealanders, including Māori, who move between New Zealand and the United Kingdom. The Social Security Agreement assists New Zealanders, including Māori, who move to the United Kingdom to apply for and receive a United Kingdom pension or benefit. People who live in the United Kingdom for a period and then return to New Zealand are able to use residence in the United Kingdom to help them qualify for New Zealand Superannuation or certain benefits.

## Impacts on stakeholders

Not applicable.

## Signed

Yes

## Legislation Required

Yes

**Ratification Required**

Yes

# Exchange of Notes constituting an Agreement to amend the Agreement on Social Security between the Government of the Kingdom of the Netherlands and the Government of New Zealand

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Social Development

## Subject and Purpose

The social security agreement with the Netherlands was signed in 1990.

The Netherlands wishes to make amendments to the agreement to bring it into conformity with Netherlands legislation concerning non-exportability of benefits under the Netherlands Supplementary Benefits Act 1986.

## Negotiation Status

New Zealand is awaiting the final diplomatic note from the Netherlands Government to bring the Exchange of Notes (EON) into force. In August 2012 it was agreed that progress would continue on the EON at the same time as work on a separate protocol to the Agreement. It is anticipated that the EON will be brought into force, via a diplomatic note, at the same time as the protocol in 2024.

## Impacts on Māori

The Exchange of Notes will amend the Social Security Agreement between New Zealand and the Netherlands. The Social Security Agreement between New Zealand and the Netherlands protects the social security rights of all New Zealanders, including Māori, who move between New Zealand and the Netherlands. The Social Security Agreement assists New Zealanders who move to the Netherlands to apply for and receive New Zealand Superannuation and some benefits. The Social Security Agreement also enables people to use residence in New Zealand to help them qualify for a Netherlands pension or benefit. People who live in the Netherlands for a period and then return to New Zealand will be able to use periods of insurance under the Netherlands pension system to help them qualify for New Zealand Superannuation. The Netherlands also provides New Zealanders, including Māori, with the same rights under Netherlands legislation covered by the Agreement as citizens of the Netherlands.

## Impacts on stakeholders

No specific potential impact on stakeholders anticipated.

## Signed

Yes

## Legislation Required

No

## Ratification Required

No

# Protocol to the Agreement on Social Security between the Government of New Zealand and the Government of the Kingdom of the Netherlands

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Social Development

## Subject and Purpose

The social security agreement with the Netherlands was signed in 1990.

Social Security Agreements modify domestic legislation to allow up to 100% of the rate of New Zealand pensions and benefits to be paid into agreement partner countries, and for applications for payments of New Zealand social security benefits to be made from Agreement partner countries. Social Security Agreements also enable people from agreement partner countries to count periods of residence or contribution in one country as periods of residence or contribution in the other, for the purposes of qualifying for social security benefits. The protocol will make minor amendments to the social security agreement.

## Negotiation Status

It is expected that the protocol will be signed in 2024.

## Impacts on Māori

The Protocol will amend the Social Security Agreement between New Zealand and the Netherlands. The Social Security Agreement between New Zealand and the Netherlands protects the social security rights of all New Zealanders, including Māori, who move between New Zealand and the Netherlands. The Social Security Agreement assists New Zealanders who move to the Netherlands to apply for and receive New Zealand Superannuation and some benefits. The Social Security Agreement also enables people to use residence in New Zealand to help them qualify for a Netherlands pension or benefit. People who live in the Netherlands for a period and then return to New Zealand will be able to use periods of insurance under the Netherlands pension system to help them qualify for New Zealand Superannuation. The Netherlands also provides New Zealanders, including Māori, with the same rights under Netherlands legislation covered by the Agreement as citizens of the Netherlands.

## Impacts on stakeholders

Not applicable.

## Signed

No

## Legislation Required

No

## Ratification Required

Yes

# Social Security Agreement between the Government of New Zealand and the Government of the Italian Republic

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Social Development

## Subject and Purpose

A social security agreement between New Zealand and Italy was signed in 1998 but has not been ratified by either country. Social Security Agreements modify domestic legislation to allow up to 100% of the rate of New Zealand pensions and benefits to be paid into agreement partner countries, and for applications for payments of New Zealand social security benefits to be made from Agreement partner countries. Social Security Agreements also enable people from agreement partner countries to count periods of residence or contribution in one country as periods of residence or contribution in the other, for the purposes of qualifying for social security benefits.

## Negotiation Status

Agreement signed. Awaiting ratification by the New Zealand and Italian Parliaments.

## Information about required legislation

The treaty must be brought into force by Order in Council

## Impacts on Māori

The Social Security Agreement between New Zealand and Italy is unlikely to have any direct impact on Māori interests. The Social Security Agreement will protect the social security rights of all New Zealanders, including Māori, who move between New Zealand and Italy. The Agreement will contain a provision under which all people to whom the Agreement applies will be treated equally. The Social Security Agreement will assist New Zealanders who move to Italy to apply for and receive New Zealand Superannuation. The Social Security Agreement will also enable people to use residence in New Zealand to help them qualify for an Italian pension. People who live in Italy for a period and then return to New Zealand will be able to use contributions to the Italian pension system to help them qualify for New Zealand Superannuation. Italy will also provide New Zealanders, including Māori, with the same rights under Italian legislation covered by the Agreement as citizens of Italy.

## Impacts on stakeholders

Not applicable.

## Signed

Yes

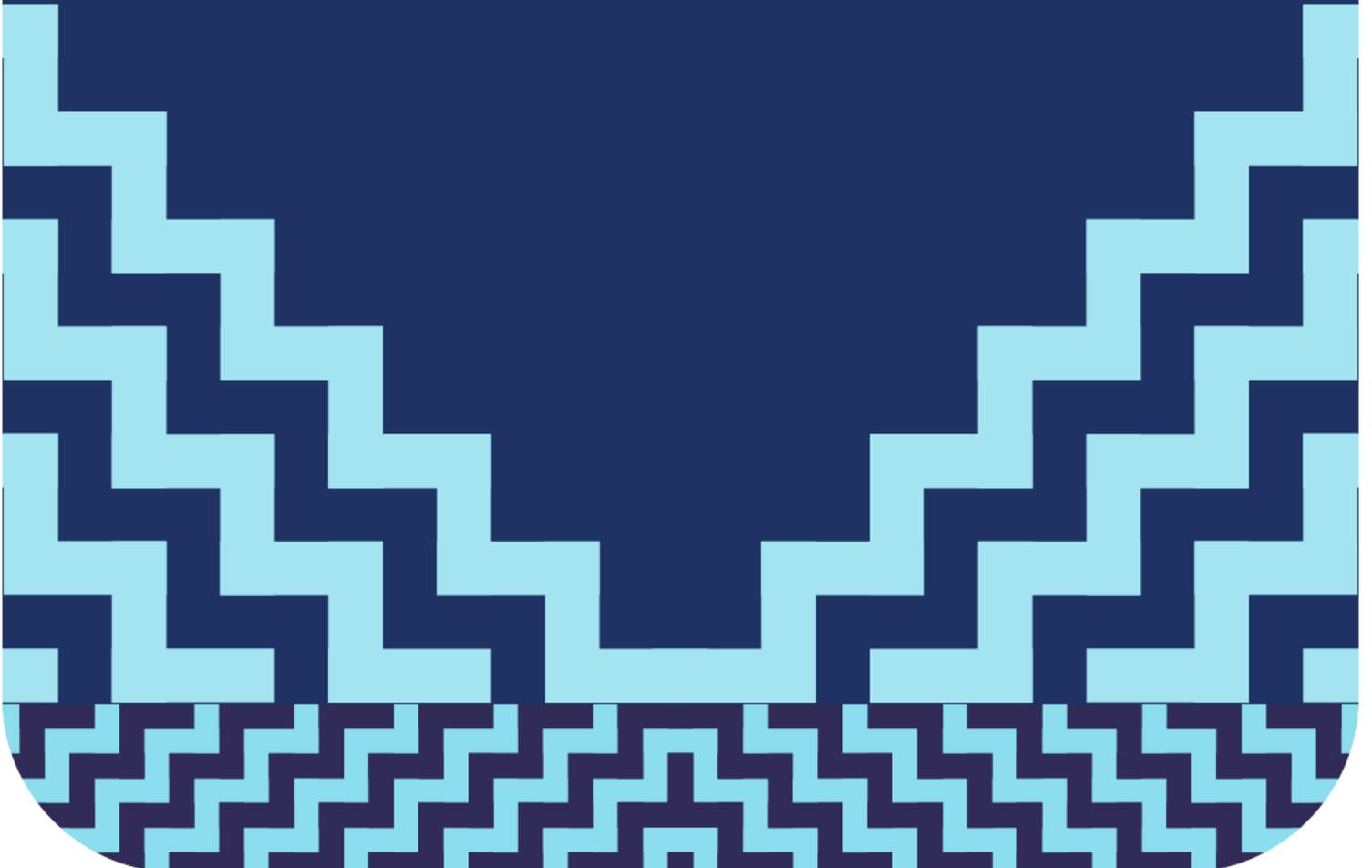
## Legislation Required

Yes

## Ratification Required

Yes

**Tax**



# Agreement between New Zealand and the Republic of Slovenia for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

New Zealand and Slovenia intending to conclude an Agreement for the elimination of double taxation with respect to taxes on income without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Agreement for the indirect benefit of residents of third States).

## Negotiation Status

First round held in early 2020. Second round held in September 2023. Text agreed and initialled. Now moving into signature phase.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will be required to give effect to the DTA under New Zealand law.

## Impacts on Māori

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with the United Kingdom. No specific impact on Māori interests.

## Impacts on stakeholders

DTAs are generally seen as taxpayer and business 'friendly'. The intention of entering DTAs is to reduce tax impediments to cross-border trade, investment and other economic activity.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# **Agreement between New Zealand and the United Kingdom to amend or replace the existing Convention between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Capital Gains**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Inland Revenue

## **Subject and Purpose**

The aim of the negotiations is to conclude a new Double Tax Agreement (DTA) with the United Kingdom, to replace the existing DTA that was signed in 1983.

## **Negotiation Status**

A first round of negotiations was held in March 2020. A second round was held in October 2023. A third round does not yet have a date.

## **Information about required legislation**

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will be required to give effect to the DTA under New Zealand law.

## **Impacts on Māori**

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with the United Kingdom. No specific impact on Māori interests.

## **Impacts on stakeholders**

DTAs are generally seen as taxpayer and business 'friendly'. The intention of entering DTAs is to reduce tax impediments to cross-border trade, investment and other economic activity.

## **Signed**

No

## **Legislation Required**

Yes

## **Ratification Required**

Unknown

# **Agreement between the Government of New Zealand and the Government of Bermuda (as authorised by) the Government of the United Kingdom of Great Britain and Northern Ireland for the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Inland Revenue

## **Subject and Purpose**

Tax agreement.

## **Negotiation Status**

Negotiations are concluded and the agreement was signed in Washington on 16 April 2009.

## **Information about required legislation**

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will need to be made to give effect to the Agreement under New Zealand law.

## **Impacts on Māori**

This is a standard limited-scope DTA which provides benefits to taxpayers generally in respect of cross-border activity involving Bermuda. It has no specific impact on Māori interests.

## **Impacts on stakeholders**

This is a standard limited-scope DTA which provides benefits to taxpayers generally in respect of cross-border activity involving Bermuda.

## **Signed**

Yes

## **Legislation Required**

Yes

## **Ratification Required**

No

# Agreement between the Government of New Zealand and the Government of Hungary for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

The aim of the negotiations is to conclude a new Double Tax Agreement (DTA) with Hungary.

## Negotiation Status

A first round of negotiations was held in November 2018. A second round was held on October 2019. A third round of negotiations is yet to be scheduled.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will be required to give effect to the DTA under New Zealand law.

## Impacts on Māori

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment involving Hungary. No specific impact on Māori interests.

## Impacts on stakeholders

DTAs are generally seen as taxpayer and business 'friendly'. The intention of entering DTAs is to reduce tax impediments to cross-border trade, investment and other economic activity.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Agreement between the Government of New Zealand and the Government of Iceland for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

The aim of the negotiations is to conclude a new Double Tax Agreement (DTA) with Iceland.

## Negotiation Status

A first round of negotiations was held in December 2018. A date has not been set for a second round.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will be required to give effect to the DTA under New Zealand law.

## Impacts on Māori

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with Iceland. No specific impact on Māori interests.

## Impacts on stakeholders

DTAs are generally seen as taxpayer and business 'friendly'. The intention of entering DTAs is to reduce tax impediments to cross-border trade, investment and other economic activity.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# **Agreement between the Government of New Zealand and the Government of the Kingdom of Saudi Arabia for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Inland Revenue

## **Subject and Purpose**

To conclude a Double Tax Agreement (DTA) between New Zealand and the Kingdom of Saudi Arabia.

## **Negotiation Status**

A first round of negotiations was held in July 2017. It is as yet unclear how many rounds of negotiations will be required.

## **Information about required legislation**

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will be required to incorporate the DTA into New Zealand domestic law.

## **Impacts on Māori**

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with Saudi Arabia. No specific impact on Māori interests.

## **Impacts on stakeholders**

DTAs are generally seen as taxpayer and business "friendly". They are entered into with the aim of reducing tax impediments to cross-border trade, investment and other economic activity.

## **Signed**

No

## **Legislation Required**

Yes

## **Ratification Required**

Unknown

# Agreement between the Government of New Zealand and the Government of the Republic of Fiji for the Elimination of Double Taxation with Respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

The aim of the negotiations is to conclude a new Double Tax Agreement (DTA) with Fiji, to replace the existing DTA that dates back to 1976.

## Negotiation Status

A first round of negotiations was held in late 2016. A date for a second round of negotiations has not yet been set.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will be required to give effect to the DTA under New Zealand law.

## Impacts on Māori

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with Fiji. No specific impact on Māori interests.

## Impacts on stakeholders

DTAs are generally seen as taxpayer and business 'friendly'. The intention of entering DTAs is to reduce tax impediments to cross-border trade, investment and other economic activity.

## Signed

N/A

## Legislation Required

Yes

## Ratification Required

Unknown

# **Agreement between the Government of New Zealand and the Government of the Republic of the Marshall Islands for the Allocation of Taxing Rights with respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in respect of Transfer Pricing Adjustments**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Inland Revenue

## **Subject and Purpose**

Supplementary Agreement to TIEA that is relevant to pensions, government service, and students. It also includes a mutual agreement procedure in respect of transfer pricing adjustments.

## **Negotiation Status**

Negotiations are concluded and agreement has been signed. Exchange of diplomatic notes required.

## **Impacts on Māori**

This is a standard limited-scope DTA which provides benefits to taxpayers generally in respect of cross-border activity with the Marshall Islands. No specific impact on Māori interests.

## **Impacts on stakeholders**

N/A

## **Signed**

Yes

## **Legislation Required**

No

## **Ratification Required**

Yes

# Agreement between the Government of New Zealand and the Slovak Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

The negotiations were entered into with the aim of concluding a Double Tax Agreement (DTA) with the Slovak Republic.

## Negotiation Status

A first round of negotiations was held in December 2015 and a second round of negotiations was held in May 2018. The negotiations were concluded in 2019. The treaty was signed in September 2023. The treaty will be brought into force by exchange of diplomatic notes confirming the completion of all necessary steps for domestic entry into force by New Zealand and the Slovak Republic respectively.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will need to be made to give effect to the DTA under New Zealand law.

## Impacts on Māori

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with the Slovak Republic. No specific impact on Māori interests.

## Impacts on stakeholders

DTAs are generally seen as taxpayer and business 'friendly'. They are entered into with the aim of reducing tax impediments to cross-border trade, investment and other economic activity.

## Signed

Yes

## Legislation Required

Yes

## Ratification Required

Yes

# Agreement between the Government of the Grand Duchy of Luxembourg and the Government of New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

The negotiations were entered into with the aim of concluding a Double Tax Agreement (DTA) with Luxembourg.

## Negotiation Status

A first round of negotiations was held in July 2011, and a second round in May 2014. The timing for a third round of negotiations has not yet been set.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will need to be made to give effect to the DTA under New Zealand law.

## Impacts on Māori

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with Luxembourg. No specific impact on Māori interests.

## Impacts on stakeholders

DTAs are generally seen as taxpayer and business 'friendly'. They are entered into with the aim of reducing tax impediments to cross-border trade, investment and other economic activity.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Agreement between the Portuguese Republic and the Government of New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

The negotiations were entered into with the aim of concluding a Double Tax Agreement (DTA) with Portugal.

## Negotiation Status

A first round of negotiations was held in October 2015. The timing for a second round has not yet been set.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will need to be made to give effect to the DTA under New Zealand law.

## Impacts on Māori

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with Portugal. No specific impact on Māori interests.

## Impacts on stakeholders

DTAs are generally seen as taxpayer and business 'friendly'. They are entered into with the aim of reducing tax impediments to cross-border trade, investment and other economic activity.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Convention between the Republic of Korea and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

The negotiations were entered into with the aim of concluding a new Double Tax Agreement (DTA) with the Republic of Korea to replace the existing DTA that dates back to 1981.

## Negotiation Status

A first round of negotiations was held in April 2015, and a second round was held in July 2016. Timing for a third round has not yet been set.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will need to be made to give effect to the agreement under New Zealand law.

## Impacts on Māori

This is a standard DTA which provides benefits to taxpayers generally in respect of cross-border activity and investment with Korea. No specific impact on Māori interests.

## Impacts on stakeholders

DTAs are generally seen as taxpayer and business 'friendly'. They are entered into to reduce tax impediments to cross-border trade, investment and economic activity.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# Protocol amending the Agreement between New Zealand and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Certain Other Taxes

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Inland Revenue

## Subject and Purpose

The aim of the negotiations is to agree a new Protocol to update the existing Double Tax Agreement (DTA) with Germany, which was signed in 1978. The primary purpose of the Protocol is to update the DTA with provisions to prevent base erosion and profit shifting (BEPS), as required or recommended by the OECD/G20 Inclusive Framework on BEPS.

## Negotiation Status

A first round of negotiations was held in October 2021 via video conferencing. A date for a second round has not yet been set.

## Information about required legislation

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will be required to give effect to the new Protocol under New Zealand law.

## Impacts on Māori

No specific impact on Māori interests.

## Impacts on stakeholders

The Protocol will update the DTA with measures to prevent tax planning strategies used by multinationals to avoid paying tax. Stakeholders currently using such strategies may therefore be required to restructure or pay more tax.

## Signed

No

## Legislation Required

Yes

## Ratification Required

Unknown

# **Protocol Amending the Agreement between the Government of New Zealand and the States of Guernsey for the Exchange of Information with Respect to Taxes and the Allocation of Taxing Rights with Respect to Certain Income of Individuals done at London on 21 July 2009**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Inland Revenue

## **Subject and Purpose**

The aim is to conclude an amending Protocol to New Zealand's 2009 Tax Information Exchange Agreement (TIEA) with Guernsey. The purpose of the Protocol is to incorporate the minimum standards and some best practice treaty provisions resulting from the OECD's base erosion and profit shifting (BEPS) project into the TIEA.

## **Negotiation Status**

Negotiation of the Protocol concluded in early 2019. The treaty was subsequently signed on 16 September 2019 in London. Both New Zealand and Guernsey will work through their respective domestic procedures for entry into force of the Protocol. Once this is complete the Protocol will enter into force following an exchange of diplomatic notes between New Zealand and Guernsey.

## **Information about required legislation**

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will be required to give effect to the Protocol under New Zealand law.

## **Impacts on Māori**

Not applicable. The scope of this TIEA is such that there will be no specific impact on Māori.

## **Impacts on stakeholders**

Not applicable

## **Signed**

Yes

## **Legislation Required**

Yes

## **Ratification Required**

Yes

# **Second Protocol amending the Convention between the Government of Belgium and the Government of New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and the Protocol, Signed at Brussels on 15 September 1981**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Inland Revenue

## **Subject and Purpose**

The negotiations were entered into for the purpose of amending the existing Double Tax Agreement (DTA) with Belgium, by inserting a Non-Discrimination Article into the Agreement. During the negotiations, it was also agreed to make certain other technical updates to the DTA to ensure its provisions match prevailing treaty policy and/or international standards.

## **Negotiation Status**

The Second Protocol was signed on 7 December 2009. All New Zealand domestic procedures for entry into force are complete, and New Zealand notified Belgium accordingly by diplomatic note on 7/12/2009. Awaiting reciprocal advice from Belgium. On receipt of their diplomatic note advising completing of all Belgian domestic processes, the DTA will enter into force.

## **Information about required legislation**

An Order in Council (the Double Taxation Relief (Belgium) Amendment Order 2010), made on 5 July 2010, under section BH 1 of the Income Tax Act 2007.

## **Impacts on Māori**

No specific impacts on Māori.

## **Impacts on stakeholders**

DTAs are generally seen as taxpayer and business 'friendly'. They are entered into with the aim of reducing tax impediments to cross-border trade, investment and other economic activity. The Protocol will update the existing in several areas, all generally intended to enhance the above. For example, it updates the list of taxes covered by both sides and inserts a Non-Discrimination Article which will prevent either side from imposing discriminatory taxes.

## **Signed**

Yes

## **Legislation Required**

Yes

## **Ratification Required**

No

# **Third Protocol amending the Convention between the Government of Belgium and the Government of New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and the Protocol, signed at Brussels on 15 September 1981, as amended by the Second Protocol signed at Brussels on 7 December 2009**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Inland Revenue

## **Subject and Purpose**

The negotiations were entered into with a view to amending New Zealand's existing 1981 Double Tax Agreement (DTA) with Belgium, to replace the Exchange of Information (EOI) Article with wording that reflects the international standard. Given that New Zealand and Belgium are both also signatories to the joint OECD/Council of Europe Multilateral Convention on Mutual Administrative Assistance in Tax Matters, which includes EOI provisions that already match the international standard, the Third Protocol has little practical significance. However, international scrutiny of EOI arrangements is such that it is important to ensure that the EOI provisions of the DTA and the Multilateral Convention are consistent.

## **Negotiation Status**

The negotiations have concluded, and the next step is for the agreement to be signed. However, this is being held pending entry into force of the Second Protocol to the Belgium DTA. After signature, Parliamentary treaty examination will be required, and the Third Protocol will be incorporated into New Zealand domestic law by Order in Council.

## **Information about required legislation**

An Order in Council, made under section BH 1 of the Income Tax Act 2007, will need to be made to give effect to the Protocol under New Zealand law.

## **Impacts on Māori**

No specific impacts on Māori.

## **Impacts on stakeholders**

Not applicable.

## **Signed**

No

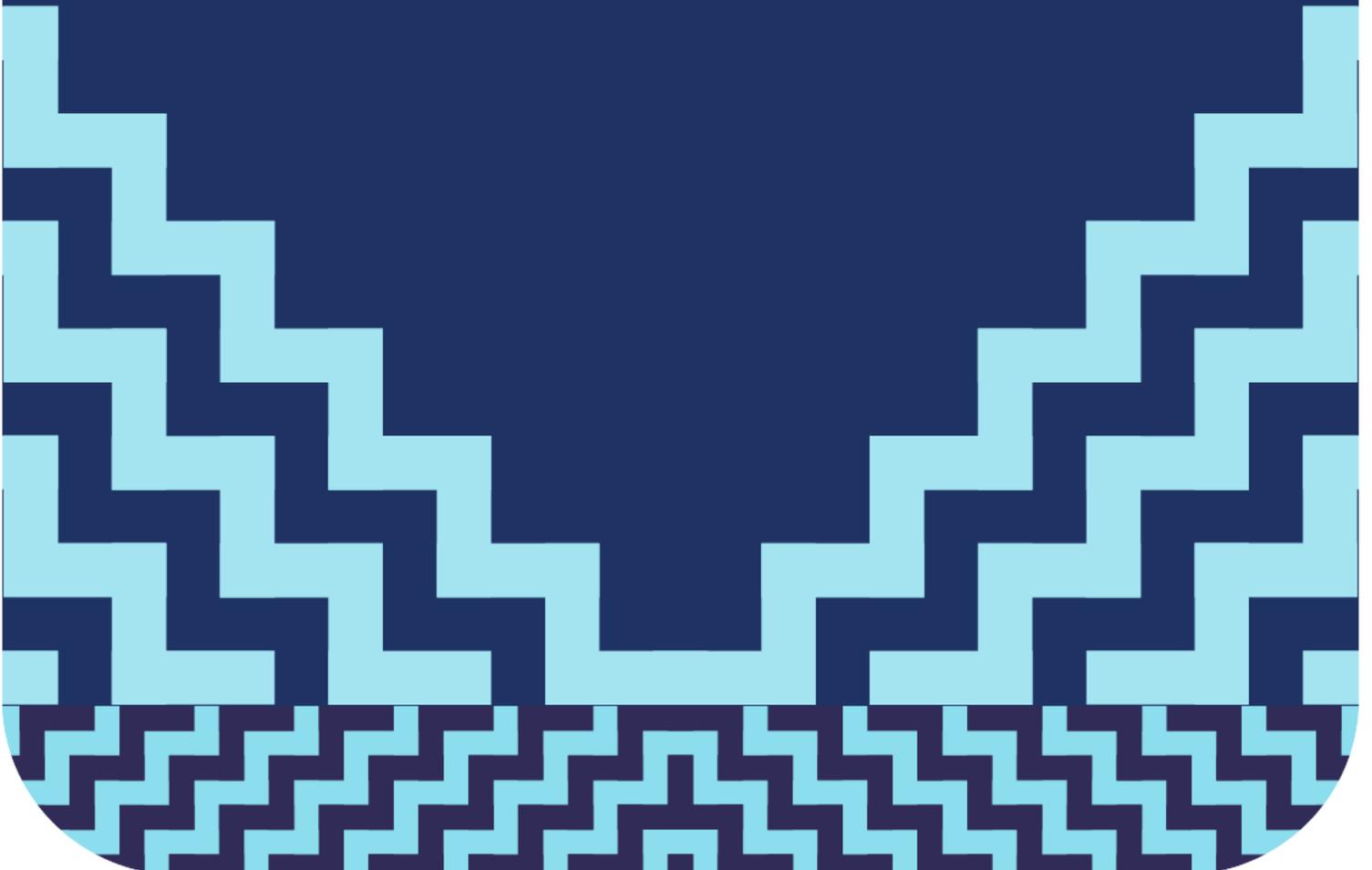
## **Legislation Required**

Yes

**Ratification Required**

Unknown

**Trade**



# Agreement Between the Government of the Federative Republic of Brazil and the Government of New Zealand Concerning Audio-visual Co-production

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Culture and Heritage

## Subject and Purpose

Bilateral film co-production agreements facilitate and encourage co-productions between the respective countries' film industries. Most recent agreements adopt a broad definition of 'film' to mean "an aggregate of images, or images and sounds, embodied in any material, and includes television and video recordings, animations and digital format productions".

This type of agreement is intended to promote cultural understanding and to advantage the screen production industries in both New Zealand and the respective bilateral partner, on a project-by-project basis. Subject to the law in force in each country, such benefits are typically: access to funding, incentives and distribution arrangements, temporary 'free' entry of nationals of the other country and admission of cinematographic equipment for the purpose of making or promoting a co-production film.

## Negotiation Status

Parties have agreed a final draft text and will shortly present the text to their respective Governments for approval for signature.

## Impacts on Māori

The impact on Māori interests will vary according to the content and subject of the film projects that gain approval as formal co-productions under an agreement. As a rule, the impact on Māori will be consistent with the impact on both the wider screen production industry and the New Zealand population generally. Māori and Māori culture are likely to feature highly in some co-production projects.

## Impacts on stakeholders

The treaty will impact the screen sector, once ratified by both parties, as it will provide a pathway to produce official New Zealand-Brazil Co-productions, which will be eligible for Brazilian domestic content quotas.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Agreement on Climate Change, Trade and Sustainability

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Agreement on Climate Change Trade and Sustainability (ACCTS) initiative is under negotiation by a small group of like-minded countries - Costa Rica, Fiji, Iceland, New Zealand Norway and Switzerland. It is intended to demonstrate in practical terms how trade rules and architecture can be used to support environmental and broader sustainable development objectives while generating momentum towards an eventual multilateral agreement.

The initiative covers the following key areas:

- Elimination of tariffs on environmental goods
- New and binding commitments on environmental services
- Disciplines to eliminate harmful fossil fuel subsidies
- The development of guidelines for voluntary eco-labelling programmes and associated mechanisms to encourage their promotion and application

The initial cohort of countries aims to swiftly conclude an ambitious agreement. The result will act as a pathfinder agreement open to accession by other WTO members if they are able to meet the obligations.

## Negotiation Status

The ACCTS was launched in September 2019.

Latest Negotiation Rounds:

- Round Nine took place between 28 April to 2 June 2022.
- Round Ten took place between 23 August to 23 September 2022.
- Round Eleven took place between 15 November to 16 December 2022.
- Round Twelve took place between 16 February to 30 March 2023. Round Twelve included the first in-person negotiations since the ACCTS was launched.
- Round Thirteen took place between 30 May to 23 June 2023. Round Thirteen included in person negotiations, with a mix of virtual intersessionals.

For more information on negotiating rounds, visit: [ACCTS negotiating rounds | New Zealand Ministry of Foreign Affairs and Trade \(mfat.govt.nz\)](#)

## Impacts on Māori

As with Free Trade Agreements, New Zealand is seeking a specific provision, the Treaty of Waitangi exception clause, which allows the Government to adopt measures that it deems necessary to accord favourable treatment to Māori (including in fulfilment of its obligations under the Treaty of Waitangi) provided that those measures do not amount to unreasonable or arbitrary discrimination or a disguised restriction on trade.

### **Impacts on stakeholders**

Public submissions were actively sought in 2019 and are welcome on an ongoing basis through the MFAT website (tradeforall@mfat.govt.nz). Consultations with interested groups are ongoing on a periodic basis. Brief updates on the progress in negotiations are also available on the MFAT website. The objectives of the Agreement are focused on using trade rules to support sustainable development, and as such the primary driver is environmental rather than commercial outcomes. Nonetheless, liberalisation of environmental goods and services will benefit the relevant New Zealand manufacturers and services providers. It will also benefit consumers as environmental goods and services become cheaper to buy in each of the ACCTS countries – accelerating access and uptake, and incentivising use of new technologies. Disciplines to eliminate harmful fossil fuel subsidies will help remove the perverse effects of these environmentally harmful and socially regressive subsidies and make it easier for renewable energy sources to compete. This has the potential to deliver trade, economic, social and environmental benefits. The development of guidelines for voluntary eco-labelling programmes and associated mechanisms to encourage their promotion and application will help support the development of high-integrity eco-labels that are transparent in their criteria and meaningful to consumers.

### **Signed**

No

### **Legislation Required**

Unknown

### **Ratification Required**

Unknown

# Anti-Counterfeiting Trade Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Business Innovation and Employment

## Subject and Purpose

ACTA is concerned with the enforcement of intellectual property rights, and in particular enforcement of copyright and trademarks rights against trafficking in pirated copyright works and goods bearing counterfeited trademarks. The objective of ACTA is to establish a common standard for intellectual property rights, particularly in the context of counterfeiting and piracy. The provisions of ACTA are organised into three main categories:

- International Cooperation, including sharing information and cooperation between law enforcement authorities, including Customs and other relevant agencies;
- Enforcement Practices that promote strong intellectual property protection in cooperation with right holders and partners and fosters a climate of active and effective enforcement; and
- A Legal Framework, that contains provisions designed to ensure that authorities and right holders have appropriate tools for strong intellectual property rights enforcement. The legal framework includes measures concerning criminal enforcement; border measures; civil enforcement; internet distribution; and circumvention of technology protection measures.

## Negotiation Status

Not in force. ACTA cannot enter into force until six of the countries that signed the agreement also ratify it. If that occurs, each of the countries that ratify ACTA will then be bound by its provisions. As at July 2014, only one signatory (Japan) has ratified ACTA. New Zealand signed ACTA on 1 October 2011. No decision has been made as to whether or not New Zealand will ratify ACTA.

## Information about required legislation

To be determined.

## Impacts on Māori

ACTA may have implications for Māori businesses that own copyright and/or trademark rights but is unlikely to have wider impacts.

## Impacts on stakeholders

Likely interest groups are expected to include New Zealand businesses that own copyright and trademark rights and intellectual property rights professionals, such as: trade mark agents; patent attorney firms; New Zealand Institute of Patent Attorneys; law practitioners and law firms that provide advice on copyright and trade mark protection; and the New Zealand Law Society.

## Signed

Yes

## Legislation Required

Yes

**Ratification Required**

Yes

# European Union-New Zealand Free Trade Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The NZ-EU FTA has been negotiated with the European Commission on behalf of the European Union and its 27 Member States (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden). It is a wide-ranging FTA designed to liberalise trade and investment between New Zealand and the European Union (already New Zealand's 4<sup>th</sup> largest two-way trading partner, with \$17.5 billion worth of goods and services trade in 2021).

## Negotiation Status

Formal negotiations were concluded on 30 June 2022, after four years and twelve rounds of negotiations. The NZ-EU FTA was signed at Brussels on 9 July 2023.

## Information about required legislation

Legislation will be required to implement the agreement. This will be required to give effect to tariff and other outcomes agreed in the NZ-EU FTA.

## Impacts on Māori

As in all of New Zealand's free trade agreements since 2001, the NZ-EU FTA contains a clause that preserves the unique status of Te Tiriti o Waitangi (Treaty of Waitangi), ensuring the Government's ability to meet its obligations to Māori. The Te Tiriti o Waitangi exception protects the New Zealand government's ability to adopt policies it considers necessary to fulfil its obligations to Māori. Protecting and promoting Māori interests in this FTA is a priority for New Zealand, reflecting New Zealand's Trade for All agenda and commitments under Te Tiriti o Waitangi.

The FTA includes outcomes in each of these areas:

- Trade in goods – There are significant outcomes in this FTA for Māori exporters in a range of sectors including kiwifruit and other horticultural products, meat, dairy, fish and seafood, wine and honey. Ninety-seven percent of New Zealand's current goods trade will enter the EU tariff-free under the FTA, with ninety-one percent from day one (including kiwifruit, apples, wine, fish and seafood products, forestry products and Mānuka honey). New Zealand has increased beef, butter, cheese and milk powder quota access into the EU.
- Digital, services and investment – The FTA includes new cross-cutting language that is aligned with the Te Tiriti o Waitangi exception, which makes it clear that New Zealand has reserved the right to adopt or maintain measures to protect Māori rights, interests and duties, and responsibilities.
- Intellectual property – The FTA's outcome on geographical indications provides an opportunity for Māori food and beverage producers to develop and leverage their own GIs for quality New Zealand products for export to the EU.
- Sustainable food systems – The sustainable food systems chapter includes cooperation on "Indigenous knowledge, participation, and leadership in food systems". This reflects the value that Aotearoa New Zealand places on traditional knowledge and approaches, and the

- vital role that Indigenous peoples can play in achieving sustainable food systems globally.
- Māori Trade and Economic Cooperation – this novel chapter provides an important new platform with the EU to enable Māori to benefit from the Agreement and cooperate to advance Māori economic aspirations and wellbeing. The cooperation areas include collaborating to enhance the ability for Māori enterprises to benefit from the Agreement’s trade and investment opportunities; strengthening links between EU and Māori enterprises (with a particular emphasis on SMEs); supporting science, research and innovation links; and on geographical indications.

For more information, please refer to <https://www.mfat.govt.nz/assets/Trade-agreements/EU-NZ-FTA/N--EU-FTA-Benefits-for-Maori.pdf>

### Impacts on stakeholders

After negotiations concluded, the Ministry of Foreign Affairs and Trade (MFAT) released various key information about the NZ-EU FTA detailing the FTA’s implications for New Zealand. This was followed by releasing the draft of the full text of the Agreement on 8 July.

Key outcomes of the NZ-EU FTA include:

- New Zealand exporters will benefit from significantly improved access into the EU market, including against other global exporters who have already secured free trade deals with the EU.
- 91% of New Zealand’s current trade into the EU will enter duty free from day one through tariff elimination and duty-free quotas. When fully implemented after seven years, 97% of current trade will enter the EU duty-free.
- The FTA will create the conditions for New Zealand trade to grow in areas where it has been significantly constrained due to limited WTO quota access and high tariffs, particularly dairy and beef.
- The FTA provides greater certainty for New Zealand services exporters in the EU market and ensures that NZ services exporters can compete in the EU market on a comparable basis with other EU trading partners. With limited exceptions, New Zealand services exporters will be guaranteed treatment that is equivalent to both local EU competitors and services exporters from other countries, including the UK and Singapore.
- The investment rules in the FTA will provide greater transparency and certainty as to how New Zealand investors will be treated in the EU and vice versa.
- New Zealand’s Trade for All agenda is reflected throughout the FTA. The Trade and Sustainable Development chapter includes strong new commitments on climate action, including the Paris Agreement, and on labour rights and gender equality including making these commitments legally binding and enforceable in the FTA. The FTA has disciplines on fisheries subsidies and commitments to work together on fossil fuel subsidy reform, the most ambitious FTA outcome in these areas by the European Union.

### Signed

Yes

### Legislation Required

Yes

### Ratification Required

Yes

# Exchange of Letters Amending Annex 3 of the New Zealand – Malaysia Free Trade Agreement to Allow for Third Party Invoicing

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Exchange of Letters amends Annex 3 of the New Zealand - Malaysia Free Trade Agreement (MNZFTA) on Procedures and Verification to allow for what is called 'third party invoicing'. For the purposes of MNZFTA, third party invoices are those issued by a trader in a country other than Malaysia or New Zealand for the goods that are being imported into Malaysia or New Zealand. The amendments to Annex 3:

1. broaden who can make a declaration of origin, so that a declaration can also be made by someone other than the exporter or producer, as long as that person is an 'authorised representative' of the exporter or producer;
2. expands the documentation on which the declaration can be made, removing the requirement that the declaration shall be made on an export invoice, because 'export invoice' could be given a narrow interpretation so as to exclude a third-party invoice; and
3. provides guidance to importing administrations by stating that a claim for preferences shall not be rejected solely because a declaration is made on an invoice issued in a non-Party.

## Negotiation Status

Negotiations concluded. Text approved by Cabinet. Signed, awaiting entry into force.

## Information about required legislation

The Customs and Excise Regulations 1996 will need to be amended to provide for incorporation by reference of the amended Annex 3 of MNZFTA to provide for third party invoicing.

## Impacts on Māori

N/A

## Impacts on stakeholders

Prior to drafting the Exchange of Letters, the New Zealand Customs Service undertook industry consultations, and in particular sought views from New Zealand exporters to Malaysia. The use of third- p a r t y invoicing varied according to the importer/exporter relationship, but all New Zealand exporters consulted support enabling third party invoicing.

## Signed

Yes

## Legislation Required

Yes

## Ratification Required

No

# **Exchange of Letters constituting an Agreement between New Zealand and Australia on the Application of the First Protocol and Second Protocol to Amend the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area to the Australia-New Zealand Closer Economic Relations Trade Agreement**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Foreign Affairs and Trade

## **Subject and Purpose**

This exchange of letters constitutes an agreement between Australia and New Zealand on the application of the First and Second Protocols to the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (AANZFTA), to the Australia-New Zealand Closer Economic Relations Agreement (CER). It reaffirms the agreement which was made through a side letter to the original AANZFTA not to apply the Investment Chapter between Australia and New Zealand.

## **Negotiation Status**

Signed by New Zealand and Australia and will enter into force on the same day as the Second Protocol to the AANZFTA.

## **Impacts on Māori**

No foreseen potential impact on Māori interests.

## **Impacts on stakeholders**

No foreseen potential impact on stakeholders.

## **Signed**

Yes

## **Legislation Required**

No

## **Ratification Required**

Yes

# Indo-Pacific Economic Framework for Prosperity

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Indo-Pacific Economic Framework for Prosperity (IPEF) seeks to establish economic cooperation across four pillars:

- trade;
- supply chains;
- clean economy; and
- fair economy.

Countries that have committed to developing the IPEF span our wider home region in the Indo-Pacific. Along with New Zealand, Australia, Brunei, Fiji, India, Indonesia, Japan, Korea, Malaysia, the Philippines, Singapore, Thailand, the US and Viet Nam have all pledged to collaborate on closer economic integration in new and novel ways, not limited to trade. Together the 14 economies represented 40% of global GDP.

The Indo-Pacific region is vital for the prosperity and security of New Zealand. It is home to over half of the world's population. Strategically it is important for New Zealand to be an active partner in helping shape an Indo-Pacific order that delivers regional stability and economic integration in a sustainable and inclusive way.

The Indo-Pacific Economic Framework for Prosperity is an opportunity to strengthen economic cooperation with the United States, India and other economies across our wider home region. A fully realised IPEF that includes New Zealand perspectives and ideas would provide an open and inclusive platform for the US to engage more deeply in the economic architecture of the Indo-Pacific, which we think is valuable for both New Zealand and our region. The Framework will cover some of the most important future-focused economic issues facing our region and the world, including harnessing the digital economy, decarbonising our economies, and making our supply chains more resilient.

The IPEF is not a free trade agreement and will not include market access for goods or services through traditional schedules, though aims to create commercial opportunities through the negotiation of rules on Trade Facilitation, on Digital Trade, and on Regulatory Cooperation among other things.

On 23 May 2022, Leaders from 14 Indo-Pacific countries including New Zealand announced the start of talks toward launching negotiations on the Indo-Pacific Economic Framework for Prosperity. The Joint Leaders statement on the proposed initiative can be read here: [Statement on Indo-Pacific Economic Framework for Prosperity | The White House \(external link\)](#). In September 2022, New Zealand joined the launch of negotiations on all four pillars of IPEF.

## Negotiation Status

Since September 2022, negotiation rounds have taken place in December of 2022, and February, March, May, July, October and November of 2023.

On 16 November 2023 IPEF partners met in San Francisco to announce the substantial conclusion of negotiations of the Clean Economy Agreement under Pillar III and the IPEF Fair Economy Agreement under Pillar IV, as well as of the Agreement on the Indo-Pacific Economic Framework for Prosperity, which seeks to establish a ministerial-level council and commission to formalize and ensure ongoing cooperation.

In addition, IPEF partners took stock of the significant progress made on negotiations on Trade under Pillar I. Following the substantial conclusion of the negotiations on the IPEF Supply Chain Agreement under Pillar II in May 2023, Ministers also signed the Supply Chain Agreement on 14 November.

### **Information about required legislation**

To be determined.

### **Impacts on Māori**

Officials have been in close consultation with Māori, including Treaty Partner representative groups, throughout the IPEF negotiations. Government agencies with direct connection to Māori interests were also engaged. These consultations have supported officials in identifying potential impacts on Māori interests across the four pillars. This informed and shaped positions taken in the IPEF agreements, including the Trade pillar negotiations which have not yet concluded. Officials will continue to consult closely with Māori to ensure their views shape the positions that New Zealand takes into negotiations. Officials will seek to include protections of the Government's ability to adopt policies that fulfil its obligations to Māori, including under the Treaty of Waitangi.

### **Impacts on stakeholders**

The IPEF is not a free trade agreement and will not include market access for goods or services through traditional schedules. However, the IPEF agreements aims to create commercial opportunities through the negotiation of rules on providing for business-enabling regulatory environments. These rules address topics such as trade facilitation, digital trade, and regulatory coherence among other things. The IPEF framework also aims to support sustainable, and inclusive economic growth. Rules supporting transition to clean economies and seek to ensure that the benefits of economic growth, free trade, and investment are broadly shared. Early in the process, officials called for submissions from New Zealand stakeholder groups, businesses, and individuals with views on New Zealand's participation in the Framework, and on entering negotiations. Further to those received during this time period, ongoing opportunities for public submissions were available on the MFAT Have Your Say website and to the dedicated IPEF email inbox throughout the IPEF process. Events such as presentations and stakeholder virtual sessions were run to ensure wide knowledge and input from a range of stakeholders, as well as dedicated engagement opportunities. Officials will continue to consult stakeholders throughout the process to ensure their views shape the positions that New Zealand takes into negotiations, and ultimately to ensure that the benefits of IPEF flow to all New Zealanders.

### **Signed**

No

### **Legislation Required**

Yes

### **Ratification Required**

Unknown

# Investment Protocol to the New Zealand – Hong Kong, China Closer Economic Partnership Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

In 2009, as part of the Hong Kong, China - New Zealand Closer Economic Partnership outcome, Hong Kong and New Zealand agreed to negotiate a separate and comprehensive Investment Protocol to the CEP for enhancing the promotion and protection of investments. Negotiations cover a broad range of elements, including non-discriminatory disciplines and protections. It is intended that the Investment Protocol "build on and be broader in scope" than the existing Hong Kong, China- New Zealand Investment Promotion and Protection Agreement (1995).

## Negotiation Status

Negotiations on an Investment Protocol between Hong Kong, China and New Zealand are ongoing, having commenced in November 2010.

## Impacts on Māori

No specific impact on Māori stakeholders is anticipated.

## Impacts on stakeholders

Consultations on the actual negotiations of an Investment Protocol will be held with a range of business and other stakeholders.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# New Zealand – Pacific Alliance Free Trade Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

In June 2017 New Zealand launched free trade agreement (FTA) negotiations with the Pacific Alliance, the Latin American regional grouping made up of Chile, Colombia, Mexico, and Peru. New Zealand is pursuing a high quality, comprehensive, and progressive agreement that builds on existing agreements with Chile, Mexico, and Peru - New Zealand's FTA partners under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and with Chile also the Trans-Pacific Strategic Economic Partnership (the 'P4 Agreement') - and establishes a new FTA with Colombia.

An agreement is expected to include provisions that remove tariffs on goods exports and address other issues that affect trade like customs clearance and other border procedures; trade in services, including digital trade; investment; government procurement; competition policy and state-owned enterprises; intellectual property; transparency of laws and regulations; labour, environment and cooperation on climate change; trade and gender issues; and wider cooperation activities; and an agreement-wide exception in relation to the Treaty of Waitangi.

## Negotiation Status

Under negotiation. As of November 2019, eight rounds of negotiations have been held. New Zealand is committed to concluding negotiations as soon as possible provided the agreement includes high quality and comprehensive access for New Zealand exporters and protects governments' right to regulate.

## Impacts on Māori

The New Zealand Government is seeking improved market access for goods and services of export interest to Māori, including Māori businesses that sell agriculture, forestry, and fisheries products to international markets, including in Latin America. To help inform New Zealand's approach to market access in the negotiations, the Government commissioned a special report by Business and Economic Research Limited (BERL) into Māori export interests in Pacific Alliance markets in June 2018. As with other New Zealand trade agreements, the Pacific Alliance-New Zealand FTA will also seek to include a Treaty of Waitangi exception clause which will protect the Government's ability to adopt policies that fulfil its obligations to Māori, including under the Treaty of Waitangi. Exceptions will also be included in the agreement that preserve governments' ability to regulate in the public interest, including to protect public health; the environment; implement tax policy, prudential regulation and respond to financial crises; and for national security needs. In addition to market access, in line with the Government's Trade for All agenda and the importance of ensuring trade agreements are inclusive of a wide variety of New Zealanders' interests, New Zealand is seeking to advance a framework for cooperation on indigenous issues in the FTA. The purpose of cooperation activities could include leveraging and expanding the opportunities for indigenous peoples that are presented by trade and investment, seeking to address trade barriers for indigenous peoples, and promoting cultural and people-to-people links. This approach aims to build upon a number of successful activities that are already being undertaken between New Zealand and Pacific Alliance countries, as well as directly between indigenous communities. Areas of interest may include

developing trade and business relations, indigenous culture and language revitalisation, education and training, traditional knowledge. There has been consultation with Māori throughout the negotiations through in-person meetings, submissions processes, and regular pānui. Further consultations will continue as negotiations progress.

### **Impacts on stakeholders**

New Zealand businesses are generally expected to benefit from the FTA as a result of increased market access and a reduction of barriers to trade. Given CPTPP has entered into force in Mexico (with Chile and Peru expected to ratify in 2019), New Zealand is focusing on securing additional market access for New Zealand exporters in those markets, and comprehensive market access in Colombia. Regular updates on negotiations have been posted on the Ministry of Foreign Affairs and Trade website, as well as an invitation for stakeholders to attend public events (dedicated sessions on the New Zealand-Pacific Alliance FTA, as well as public presentations on New Zealand's wider trade policy agenda). Negotiators have welcomed input from all interested groups and two dedicated submissions processes have been held (September- October 2017 and March-April 2018) in which New Zealanders were invited to share with negotiators their views on what New Zealand should prioritise in the FTA, including any trade barriers they would like to see addressed and how the FTA could promote progressive and inclusive trade. Overall, 34 submissions were received.

### **Signed**

No

### **Legislation Required**

Unknown

### **Ratification Required**

Unknown

# New Zealand – Gulf Cooperation Council Free Trade Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

New Zealand and the six-nation Gulf Cooperation Council (GCC, a regional economic grouping comprising Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates and Oman) concluded substantive FTA negotiations after six rounds on 31 October 2009.

The GCC is New Zealand's 8th largest trading partner (with the UAE and Saudi Arabia being the key markets). In 2017, New Zealand goods and services exports to the GCC totalled NZ\$1.98 billion and total two-way trade was worth NZ\$4.66 billion. The GCC countries are our seventh largest export destination. While New Zealand's major exports to the region are dominated by primary sector products such as dairy, sheep meat, and wood there is increasingly a strong interest in critical services areas such as ICT, education, environmental and professional services.

The FTA will provide a strong platform for export growth into the GCC region. Potential benefits of the FTA include:

- better market access for New Zealand businesses in the Gulf region;
- elimination of tariffs for exporters;
- better procedures for dealing with non-tariff barriers to trade such as sanitary and phytosanitary measures, technical barriers to trade, customs procedures and rules of origin;
- increased opportunities for New Zealand's service sector in areas such as information and communications technology, education services, architecture and engineering services, consultancies, legal services, environmental services and construction;
- potential for more investment between the countries.

## Negotiation Status

Negotiations on the NZ GCC FTA started in 2007 and were substantially concluded in October 2009 but due to a moratorium on FTAs put in place by the GCC and other political developments the agreement was never finalised nor signed. Following the Minister of Trade and Export Growth's visit to the region in March 2022, the GCC and New Zealand have now agreed to reengage in negotiations. These discussions will be based on the text agreed in 2009, with a focus on goods market access and labour and environment outcomes.

## Information about required legislation

The timing of legislation related to the FTA is not yet clear and will depend on the agreed date for signature.

## Impacts on Māori

As with other New Zealand Free Trade Agreements, New Zealand has sought a specific provision, the Treaty of Waitangi exception clause, which would protect the Government's ability to adopt policies that fulfil its obligations to Māori, including under the Treaty of Waitangi.

**Impacts on stakeholders**

Regular consultations have been held with business and other stakeholders. Further updates will be provided if progress on the FTA becomes likely.

**Signed**

No

**Legislation Required**

Yes

**Ratification Required**

Unknown

# **New Zealand – India Free Trade Agreement/Comprehensive Economic Cooperation Agreement**

## **Treaty Type**

Bilateral/Plurilateral

## **Responsible Department**

Foreign Affairs and Trade

## **Subject and Purpose**

New Zealand and India undertook a Joint Study into the feasibility of an FTA or CECA (Comprehensive Economic Cooperation Agreement) in 2007-2008. That study recommended that the parties proceed to launch FTA negotiations. The New Zealand Cabinet approved this in March 2009 and the Indian Government did so in February 2010. Past rounds have included negotiations on:

- Goods Market Access
- Services
- Investment
- Rules of Origin
- Technical Barriers to Trade
- Sanitary and Phytosanitary Measures
- Trade Remedies
- Customs Cooperation and Procedures
- Legal and Institutional Issues (such as Dispute Settlement)

## **Negotiation Status**

New Zealand and India are negotiating a free trade relationship through two tracks: the bilateral Free Trade Agreement (FTA) negotiations and through the Regional Comprehensive Economic Partnership (RCEP).

The last formal round of negotiations in the bilateral New Zealand - India FTA took place in Delhi on 17-18 February 2015. The way forward for the bilateral negotiations subsequently has been unclear, although informal meetings of Lead Negotiators occurred throughout 2015 and 2016 to try and reach common ground on a path forward to conclusion.

During former Prime Minister John Key's visit to India in October 2016, he and Indian Prime Minister Narendra Modi issued a Joint Statement. This included a commitment to continue to work towards a high- quality, comprehensive and balanced bilateral Free Trade Agreement, which would deliver meaningful commercial outcomes to both sides. At this stage, however, progress will depend on what India is prepared to bring to the table.

## **Impacts on Māori**

As with other New Zealand Free Trade Agreements, New Zealand will seek a specific provision, the Treaty of Waitangi exception clause, which would protect the Government's ability to adopt policies that fulfil its obligations to Māori, including under the Treaty of Waitangi. Māori interests in agriculture, forestry and fisheries are likely to benefit from tariff elimination in areas of export

interest. The potential for these negotiations has been discussed with representatives from the Federation of Māori Authorities (FOMA). Contact will be maintained with FOMA, and other Māori bodies identified as having a likely interest in the negotiations.

### **Impacts on stakeholders**

Public submissions were invited in March 2009 following announcement of agreement in principle to commence negotiations, subject to completion of each partner's requisite approval processes. Following agreement in January 2010 to the formal commencement of negotiations, a further invitation for public submissions was made. Regular updates on the negotiations are posted on the Ministry of Foreign Affairs and Trade's website as well as an invitation for stakeholders to contact negotiators with any trade concerns that they would like addressed in the FTA. Regular consultations are being held with business and other stakeholders. Negotiators welcome input from all interested groups.

### **Signed**

No

### **Legislation Required**

Unknown

### **Ratification Required**

Unknown

# New Zealand – Russia/Belarus/Kazakhstan Free Trade Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

In November 2010, New Zealand, Russia, and its Customs Union partners Belarus and Kazakhstan agreed to commence negotiations on a comprehensive and modern Free Trade Agreement (FTA). Negotiations cover a wide range of trade-related issues, similar to other FTAs that New Zealand has negotiated. At this stage, it is expected that these will include trade in goods, services and investment as well as rules supporting that trade (e.g., Rules of Origin, Customs Procedures), in addition to addressing non-tariff measures (such as Intellectual Property, Government Procurement, Sanitary and Phytosanitary issues, Technical Barriers to Trade, Trade and Labour, and Trade and the Environment).

## Negotiation Status

Negotiations are currently suspended.

## Impacts on Māori

As with other New Zealand Free Trade Agreements, New Zealand will seek a specific provision, the Treaty of Waitangi exception clause, which would protect the Government's ability to adopt policies that fulfil its obligations to Māori, including under the Treaty of Waitangi.

## Impacts on stakeholders

Public submissions were invited in December 2010. Regular updates on negotiations have been posted on the Ministry of Foreign Affairs and Trade's website as well as an invitation for stakeholders to contact negotiators with any trade concerns they would like addressed in the FTA. Negotiators welcome input from all interested groups.

## Signed

No

## Legislation Required

Unknown

## Ratification Required

Unknown

# Protocol on the Accession of the United Kingdom to the Comprehensive Agreement for Trans-Pacific Partnership

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) has been in force since 30 December 2018. On 1 February 2021 the UK formally requested to commence negotiations on acceding to the CPTPP. On 2 June 2021, CPTPP Parties agreed to commence accession negotiations with the UK. Substantive conclusion of negotiations was jointly announced by CPTPP Ministers and the United Kingdom on 31 March 2023.

The result of the negotiations is the Protocol for the Accession of the United Kingdom of Great Britain and Northern Ireland to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (the Protocol). This is a treaty-level instrument that will amend the CPTPP to include the United Kingdom in the Agreement. The original CPTPP rules have not been subject to further negotiation as part of the UK's accession process and will not change as a result of the UK's accession to the Agreement.

The Protocol sets out the obligations that will apply between the UK and the original CPTPP Parties, when the Protocol enters into force. The UK's accession to CPTPP will mean that the obligations and other commitments that the original CPTPP Parties made to each other under the CPTPP Agreement will be extended to the UK. None of New Zealand's CPTPP obligations and none of the exceptions or other flexibilities in CPTPP that New Zealand relies on will be changed as a result of the UK's accession to CPTPP.

## Negotiation Status

CPTPP Members and the United Kingdom signed the Protocol on 16 July 2023 during the CPTPP Commission in Auckland.

## Information about required legislation

In order to implement New Zealand's obligations under the Protocol and provide certainty to importers and UK investors, minor amendments are required to the Tariff (Specified CPTPP Parties) Order 2018 and the Overseas Investment Regulations 2005. Given that New Zealand's goods and investment market access commitments in CPTPP are effectively the same as the goods and investment market access commitments in the NZ-UK FTA, the UK will not receive new or greater market access than what it already receives under the NZ-UK FTA.

## Impacts on Māori

### Treaty of Waitangi

As the founding document of New Zealand, the Treaty of Waitangi is fundamental to the on-going relationship between the Crown and Māori. All of New Zealand's FTAs since 2001, including the CPTPP (and the UK's Accession Protocol), have provided extra protection to ensure that the unique relationship between the Crown and Māori is preserved. The Treaty of Waitangi exception provides

clarity that the Crown will continue to meet its obligations to Māori, including under the Treaty of Waitangi. It is designed to work alongside other provisions to ensure that successive governments retain flexibility to implement domestic policies that favour Māori without being obliged to offer equivalent treatment to overseas entities. The exception applies in respect of matters covered by the CPTPP, which includes trade in goods and services, investment, environment, intellectual property and all other matters dealt with in the existing CPTPP and the UK's Accession Protocol.

### **Mātauranga Māori**

The CPTPP contains safeguards to prevent adverse effects on New Zealand cultural values, including Māori interests, and these safeguards will remain unchanged as a result of the UK's Accession. In particular, the Protocol does not change the Intellectual Property Chapter, including the provision that allows Parties to establish measures to protect genetic resources, traditional knowledge and folklore consistent with international obligations.

### **Benefits for Māori business**

The growing Māori economy is increasingly involved in international trade. A relatively high share of land and other primary sector assets owned by Māori engage in trade. Furthermore, Māori hold a significant share of primary industry jobs. Altogether, Māori enterprises account for 40% of New Zealand's forestry, 50% of the country's fishing quota, 30% of sheep and beef production and 10% of dairy production and make up nearly a quarter of the workforce in goods exporting firms in the agriculture, forestry, and fishing industries.

A high proportion of New Zealand's trade with the UK is in significant sectors for the Māori economy. The elimination of tariffs on New Zealand exports to the UK through both the NZ-UK FTA and the UK's accession to CPTPP will improve goods market access for many products of most relevance to Māori export businesses, including red meat, fish and seafood products, dairy, horticulture products and honey, creating new export and diversification opportunities.

### **Impacts on stakeholders**

MFAT conducted a consultation process in 2021 to seek the public's views on priority interests and potential concerns regarding accession of any new Members to the CPTPP. The public consultation process in 2021 resulted in 54 full submissions and over 170 social media comments were received, with submitters including individuals, academics and industry bodies.

In addition to this process, in 2021/22/23 MFAT leveraged established consultation opportunities with business / industry peak bodies, union organisations, and Māori to provide regular updates on the status of UK accession negotiations.

- Updates on the negotiations process were published on the MFAT and Beehive website and shared through MFAT and other industry group newsletters and public communications.
- The UK's CPTPP accession was discussed during a range of MFAT's planned programme of public information sessions on New Zealand's FTAs, including at a public engagement / Q&A session hosted by MFAT in the immediate aftermath of the first CPTPP Senior Officials Meeting in February 2023. Over 50 stakeholders and Treaty partner representatives attended the session providing feedback reflected in section 9.2.
- The MFAT webpage provides detailed information and documents relating to the existing CPTPP agreement as well as the accession process. It also provides contact details for the public to share their views.

### **Signed**

No

**Legislation Required**

Yes

**Ratification Required**

Yes

# Protocol to the Digital Economy Partnership Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

New Zealand, Chile and Singapore (the DEPA Parties) have negotiated the *Protocol to the Digital Economy Partnership Agreement* (DEPA Protocol). This brings greater legal clarity to the operation of four provisions (Non-Discriminatory Treatment of Digital Products, Information and Communication Technology Products that Use Cryptography, Cross-Border Transfer of Information by Electronic Means, and Location of Computing Facilities) in the DEPA, facilitating the entry of new economies to the Agreement. It also makes these provisions directly enforceable under the DEPA's dispute settlement framework in the same manner as for other existing obligations in the DEPA.

The DEPA Protocol also has new provisions which protect DEPA Parties' policy space to adopt or maintain measures necessary to protect or promote indigenous rights, interests, duties and responsibilities (which for New Zealand includes those relating to mātauranga Māori and the fulfilment of New Zealand's obligations under Te Tiriti o Waitangi/Treaty of Waitangi). It also introduces a definition of "broadcasting" and ensures that DEPA Parties' existing trade agreements (including their future upgrades) are excluded from obligations regarding the non-discriminatory treatment of digital products.

## Negotiation Status

The DEPA Protocol was signed on 15 July 2023 NZT. Following the completion of applicable domestic procedures by all DEPA Parties on 19 January 2024, the DEPA Protocol will enter into force on 19 March 2024.

## Impacts on Māori

In addition to the Treaty of Waitangi exception contained in the original DEPA text (a standard feature of New Zealand trade practice), the DEPA Protocol explicitly protects Parties' policy space to adopt or maintain measures necessary to protect or promote Indigenous rights and interests in relation to the four provisions the Protocol makes legally certain and directly enforceable. This preserves New Zealand's ability to act to protect Māori rights and interests, including in relation to mātauranga Māori and obligations under Te Tiriti o Waitangi/Treaty of Waitangi. By facilitating accessions, the DEPA Protocol will open opportunities to participate in cooperative activities with more economies under the Digital Inclusion module, the first of its kind that seeks to expand and facilitate digital economy opportunities and people-to-people connections between Māori and other Indigenous peoples. No further consultation is planned in the period before the DEPA Protocol enters into force. However, MFAT engaged with Treaty Partner representative groups Ngā Toki Whakarururanga and Te Taumata during the negotiation phase of the Protocol (and the original DEPA).

## Impacts on stakeholders

Businesses benefit from the certainty and consistency around key provisions surrounding the treatment of digital products, data flows, data localisation, and cryptography that the DEPA

Protocol provides. This improves confidence in making trade and related investment decisions. The DEPA Protocol supports opportunities for New Zealand digital companies to sell their products and services in other current and future DEPA economies that can now join the DEPA in the future by clarifying and making legally enforceable the obligations that the four key provisions addressed by the DEPA Protocol provide. As the DEPA Protocol will facilitate new economies joining the DEPA, there will be more opportunities for cooperation activities between DEPA Parties to promote participation of groups such as women, Indigenous peoples and rural communities in the digital economy, including digital trade. There may be benefits to the environment as a result of the broader transformation to digital trade as envisaged by the DEPA's wider context.

**Signed**

Yes

**Legislation Required**

No

**Ratification Required**

Yes

# Second Protocol to Amend the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

In 2023, member countries agreed on the Second Protocol that will upgrade the Agreement establishing AANZFTA. The Second Protocol amends the existing AANZFTA to modernise its commitments while also adding new areas into the Agreement. The Second Protocol will update AANZFTA's trade rulebook as well as market access commitments in services and investment. This will bring AANZFTA's provisions into line with comparable recent FTAs. The benefits include simpler processes at the border for New Zealand goods and a modernised approach to e-commerce. The Protocol will help ensure AANZFTA remains a modern, high-quality FTA that supports New Zealanders to effectively and efficiently export to and invest in the ASEAN region.

The Second Protocol was signed by New Zealand at the sidelines of the 55th ASEAN Economic Ministers' Meeting on 21 August 2023 in Semarang, Indonesia. Once the Second Protocol enters into force, the provisions of the Second Protocol will effectively replace the provisions of the original AANZFTA Agreement and First Protocol, where provided for in the Second Protocol.

## Negotiation Status

New Zealand signed the Second Protocol at Semarang on 21 August 2023.

## Information about required legislation

No changes to primary legislation are required to implement the outcomes of the Second Protocol. Three amendments are required to the Customs and Excise Regulations 1996, which will be undertaken by New Zealand Customs: Regulation 51ZQ (Accumulation) – updated to allow for full cumulation for those AANZFTA Parties that opt-in to this provision; Regulation 51ZX (Direct Consignment) – this article will be re-titled 'Direct consignment, Transit and Transshipment and amended to address goods that enter free zones and are not further processed there; and regulation 51ZM (Products Specific Rules (PSR)) – these rules determine a good's tariff classification, and have been reviewed and amended to align with modern FTAs in line with World Trade Organisation (WTO) guidelines.

## Impacts on Māori

Specific areas of trade interest to Treaty Partners include e-commerce, services and investment. Officials have engaged on the approach to negotiations in these areas, and text proposals being considered by New Zealand, particularly in the closing stages of negotiations. Alongside this, officials have regularly provided briefings and to engage with the Lead Negotiator of the upgrade negotiations

## Impacts on stakeholders

Engagements were specifically undertaken both before and during negotiations to inform and engage stakeholders on the Upgrade with specific areas of interest and impact being their interests in the region, market goods access and non-tariff barriers, Prior to the Upgrade, the initial

call for public submissions on the General Review received a number of responses from a range of businesses, organisations and individuals. These included: Zespri; Beef + Lamb NZ and Meat Industry Association (joint submission); ASEAN New Zealand Business Council, New Zealand Chamber of Commerce and Industry; Fonterra; Transparency International New Zealand; Dairy Companies Association of New Zealand; New Zealand Wine; New Zealand Trade and Enterprise; and Apples and Pears New Zealand.

**Signed**

Yes

**Legislation Required**

Yes

**Ratification Required**

Yes

# Services Negotiation under the Protocol to Upgrade the New Zealand-China Free Trade Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

As part of the Protocol to Upgrade the New Zealand-China Free Trade Agreement (China FTA Upgrade), New Zealand and China have agreed to a 'negative list' negotiation within two years of entry into force of the Protocol (which entered into force 7 April 2022), including for the existing schedules of commitments to be converted into a 'negative list' framework. This format provides exporters with a simple way to determine how obligations in Services Chapter may apply to their areas of business in China's market. Under the 'negative list' approach, Parties commit to provide market access except in those areas where restrictions are listed in services schedules.

## Negotiation Status

Not yet started.

## Impacts on Māori

Further negotiations on trade in services commitments are unlikely to have a significant impact on Māori interests. However, Services exporters, which includes Māori businesses, will benefit from the greater transparency and ease of understanding that the negative list' scheduling approach entails.

## Impacts on stakeholders

Consultation will take place before negotiations begin.

## Signed

No

## Legislation Required

No

## Ratification Required

Unknown

# Substantive Patent Law Treaty

## Treaty Type

Multilateral

## Responsible Department

Business Innovation and Employment

## Subject and Purpose

The purpose of the Substantive Patent Law Treaty (SPLT) is to harmonise matters of substantive patent law, that is, matters relating to the criteria for granting a patent. The objective of harmonisation is to reduce the costs for applicants applying for patents in many countries. At present, differences in substantive patent law between countries mean that different patent specifications have to be drawn up for different countries, and the scope of patent rights granted for the same invention can vary between countries. This can add significantly to applicants' costs. New Zealand would not be obliged to become a Party to the SPLT (when and if it is concluded).

## Negotiation Status

Negotiations on the SPLT have stalled, largely due to differences between developed countries and developing countries. There have been no substantive negotiations on SPLT since 2004, and it is unlikely that negotiations will resume in the near future.

## Information about required legislation

If the SPLT is eventually concluded and New Zealand becomes a Party, it is likely that legislation amending the Patents Act 2013 will be required.

## Impacts on Māori

Harmonisation of substantive patent law through a Substantive Patent Law Treaty may impact on Māori interests in the protection of traditional knowledge, and in the issues surrounding the granting of patents over indigenous plants and animals.

## Impacts on stakeholders

Interest among other stakeholders include New Zealand Institute of Patent Attorneys; Researched Medicines Industry Association of New Zealand; Crown Research Institutes; Universities; Internet Society of New Zealand; NZBio; Fonterra and Pharmac.

## Signed

N/A

## Legislation Required

Yes

## Ratification Required

Unknown

# Trade in Services Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

There are 24 participants in the TiSA negotiations, all members of the WTO: Australia, Canada, Chile, Colombia, Costa Rica, the European Union (representing the 28 EU countries), Hong Kong, Iceland, Israel, Japan, Korea, Liechtenstein, Mauritius, Mexico, New Zealand, Norway, Pakistan, Panama, Peru, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Switzerland, Turkey, and the United States. TiSA aims to update the rules agreed within The General Agreement on Trade in Services (GATS) to reflect the new trading landscape. TiSA will only cover trade in services - it does not include trade in goods or other areas like intellectual property. A range of different service sectors are currently being discussed, including financial services, ICT services (including telecommunications and e-commerce), professional services, transport services, and temporary entry of business people.

## Negotiation Status

Suspended since 2017. Formal negotiations started in April 2013. There have been twenty-one rounds of negotiations so far. The last round of negotiations was held in November 2016.

## Impacts on Māori

As with New Zealand Free Trade Agreements, New Zealand is seeking a specific provision, the Treaty of Waitangi exception clause, which would protect the Government's ability to adopt policies that fulfil its obligations to Māori, including under the Treaty of Waitangi.

## Impacts on stakeholders

Public submissions were sought in 2013 to ensure stakeholders had the opportunity to make submissions on the Trade in Services Agreement (TiSA) negotiations. Consultations with interested groups are ongoing, and public information sessions were held in Wellington and Auckland in June 2016 and Christchurch and Dunedin in October 2016. Negotiators continue to welcome input from interested groups and will continue to engage as and when necessary. Further submissions are welcomed and can be made on the website of the Ministry of Foreign Affairs and Trade (<https://www.mfat.govt.nz/en/trade/free-trade-agreements/agreements-under-negotiation/tisa/>). Brief updates will be published on the website at the end of each round.

## Signed

No

## Legislation Required

Unknown

## Ratification Required

Unknown

# Trans-Pacific Partnership Agreement

## Treaty Type

Bilateral/Plurilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

The Trans-Pacific Partnership Agreement (TPP) is a free trade agreement (FTA) designed to liberalise trade and investment between 12 Pacific-rim countries: New Zealand, Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, Peru, Singapore, the US and Viet Nam. Trade Ministers of the twelve countries announced the conclusion of negotiations on 5 October 2015 in Atlanta, Georgia. On 4 February 2016, TPP was signed in Auckland. The TPP has not entered into force. It requires four remaining signatories to ratify, including the United States. The United States notified on 30 January 2017 that it did not intend to become a Party to the Agreement. The remaining 11 countries continued negotiations on a revised Agreement, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which concluded on 23 January 2018.

## Negotiation Status

Concluded on 5 October 2015.

## Information about required legislation

The amendments to primary legislation necessary for New Zealand to implement TPP are contained in the Trans-Pacific Partnership Agreement Amendment Act, passed by Parliament on 15 November 2016. The amendments contained in the Act would only commence from the date that TPP entered into force for New Zealand.

## Impacts on Māori

TPP has provisions that protect the ability of governments to make legitimate public policy, including in health, education, and protecting the environment. TPP also contains a Treaty of Waitangi exception clause that protects the Government's ability to adopt policies that fulfil its obligations to Māori, including under the Treaty of Waitangi. The Treaty of Waitangi exception was the subject of a report by the Waitangi Tribunal. The report is available at [www.justice.govt.nz/tribunals/waitangi-tribunal/news/tpa-treaty-clause-not-a-breach-tribunal-says/](http://www.justice.govt.nz/tribunals/waitangi-tribunal/news/tpa-treaty-clause-not-a-breach-tribunal-says/)

## Impacts on stakeholders

After negotiations concluded, the Ministry of Foreign Affairs and Trade released ten detailed factsheets on TPP's implications for New Zealand. This was followed by a draft of the full text of the Agreement on 5 November, together with a number of pieces of economic analysis undertaken by the Government. The final text of the Agreement, as signed, was released on 26 January 2016, along with the TPP National Interest Analysis. The Ministry of Foreign Affairs and Trade also held public initial information sessions in November 2015 in Auckland, Dunedin and Wellington. A presentation to Federation of Māori Authorities and the Independent Māori Statutory Board took place in the latter part of 2015. On 26 November 2015, Ministry representatives discussed the TPP with the claimants and interested parties in the Waitangi Tribunal claims (Wai 2522). During 2016, the Government ran public events on key TPP outcomes, including a roadshow and a series of Hui Iwi and Māori business, which provided the opportunity for attendees to share their views and ask New Zealand's Chief Negotiator questions about the agreement.

**Signed**

Yes

**Legislation Required**

Yes

**Ratification Required**

No

# World Intellectual Property Organization Treaty on the Protection of Broadcasting Organizations

## Treaty Type

Multilateral

## Responsible Department

Business Innovation and Employment

## Subject and Purpose

The World Intellectual Property Organization (WIPO) Treaty on the Protection of Broadcasting Organizations aims to harmonise protections for broadcasting organisations in their broadcasts, across WIPO member states. WIPO recognises that broadcasting piracy is prevalent and causes economic harm to broadcasting organisations, and as such, would like to harmonise the different approaches that members take in relation to protecting broadcasts. The treaty may grant exclusive rights to broadcasting and cable casting organisations. For example, the treaty may grant an exclusive right to authorise the retransmission of a broadcast, the fixation of a broadcast, or the reproduction of fixations of a broadcast.

## Negotiation Status

Discussions on content of the proposed treaty are on-going within WIPO's Standing Committee on Copyright and Related Rights (SCCR), where WIPO members are continuing to discuss a work programme to further progress negotiations of the treaty. Because the Ministry of Business, Innovation and employment does not regularly attend SCCR meetings, New Zealand only sporadically participates in these negotiations.

## Impacts on Māori

It is possible that Māori broadcasters could be affected by the outcome of negotiations, particularly if those outcomes were to have an impact on the current protections provided to broadcasts under the Copyright Act 1994 and New Zealand was to join the treaty after negotiations were concluded. Māori with broadcasting interests would be consulted on any likely outcomes of the negotiations and any proposal for New Zealand to join the treaty, if it was to be concluded. Because New Zealand's participation in these negotiations is only sporadic, no decisions have been taken on the level and method of consultation of interested parties, including Māori, regarding these negotiations.

## Impacts on stakeholders

The proposed treaty would give broadcasting organisations more protection for their broadcasts, especially against unauthorised reception and rebroadcasting. It is unclear whether broadcast piracy is a big issue in New Zealand, and as such we do not have a good indication of the possible economic benefits that the treaty, if concluded, would provide. Consultation with interested parties would be undertaken during the negotiations phase.

## Signed

N/A

## Legislation Required

Unknown

**Ratification Required**

Unknown

# World Trade Organisation Trade Negotiations: Doha Development Agenda

## Treaty Type

Multilateral

## Responsible Department

Foreign Affairs and Trade

## Subject and Purpose

These negotiations are for a further round of multilateral trade liberalisation under the WTO known as the Doha Development Agenda, or DDA, and which follow on from the Uruguay Round. The DDA is intended to address cuts in tariffs and subsidies in agricultural and non-agricultural goods, expanded commitments on market access in services and improvements to various aspects of WTO rules.

The future of these negotiations is unclear given WTO Members' different views on the DDA. As reflected in the Nairobi Ministerial Declaration from the Tenth Ministerial Conference in 2015, some Members reaffirmed the DDA and their intention continue to seek to conclude the DDA negotiations. Other Members were unwilling to reaffirm the Doha mandates and were instead interested in new approaches to achieve meaningful outcomes in multilateral negotiations. This split in the Membership manifested in the lack of substantive multilateral outcomes from the 11th WTO Ministerial Conference held in Buenos Aires in December 2017. Meanwhile, the Buenos Aires Conference saw the launch of a range of plurilateral Joint Statement initiatives (on services domestic regulation, e-commerce, investment facilitation, Micro-Small and Medium Sized Enterprises and Women's Economic Empowerment) responding to the interest in new ways of working.

Regardless of the format, and whether framed as a "negotiating round" (where in WTO tradition, nothing is agreed until the whole package is agreed), there is ongoing work in Geneva on a range of issues from the DDA, including fisheries subsidies, agriculture and services.

## Negotiation Status

Multilateral. The negotiations were launched on the basis of decisions taken at the World Trade Organisation (WTO) ministerial meeting in Doha in November 2001. New Zealand's efforts have been focused on bringing the negotiations to an ambitious and balanced conclusion. The core negotiations are currently stalled but there has been some progress with WTO members concluding the Trade Facilitation Agreement (TFA) in 2015. At the 10th Ministerial Conference in Nairobi in December 2015, WTO members agreed to the elimination of agricultural export subsidies, and a group of WTO members agreed to an expansion of product coverage under the WTO Information Technology Agreement (ITA). At the 11th WTO Ministerial Conference in Buenos Aires in December 2017 WTO members agreed to conclude negotiations to discipline fisheries subsidies by the time of the next Ministerial conference scheduled to be held in late 2019. The 12<sup>th</sup> WTO Ministerial Conference was subsequently postponed due to COVID-19 and took place in 2021.

## Impacts on Māori

To the extent that trade liberalisation and the removal of regulatory barriers and trade distorting subsidies improves New Zealand's export opportunities and thereby enhances export growth, Māori would expect to benefit along with other members of the New Zealand workforce and other

New Zealand business groups. There may also be limited impacts on specific companies or sectors if New Zealand cuts tariffs as a result of commitments under any new WTO treaty. Previous analysis suggests that liberalisation of trade in agriculture; fisheries and forestry will have larger benefits for Māori than some other groups in the population because of the level of their participation in these sectors of the economy.

### **Impacts on stakeholders**

The DDA covers a wide range of sectors. There has been consultation with interested groups across the range of sectors.

### **Signed**

N/A

### **Legislation Required**

Unknown

### **Ratification Required**

Unknown



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o Aotearoa**  
New Zealand Government

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