

Proactive Release

Published on or before: 25/11/2025

The following Cabinet papers and related Cabinet minutes have been proactively released by the Minister for Trade and Investment

Title	Reference
Report of the Cabinet Foreign Policy and National Security Committee: Period Ended 10 October 2025	CAB-25-MIN-0350
<i>Cabinet Minute of Decision New Zealand - European Union Free Trade Agreement: Proposed Amendment to Include the Health and Safety Principle</i>	FPS-25-MIN-0028
<i>Approval to amend the New Zealand – European Union Free Trade Agreement to include the Health and Safety Principle</i>	

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Key to redaction codes:

- 6(a): to avoid prejudicing the international relations of the New Zealand Government;
- 6(b): to protect the passing of information from another government on a confidential basis;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments;
- 9(2)(h): to maintain legal professional privilege; and
- 9(2)(j): to avoid prejudice to negotiations.

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Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Foreign Policy and National Security Committee: Period Ended 10 October 2025

On 13 October 2025, Cabinet made the following decisions on the work of the Cabinet Foreign Policy and National Security Committee for the period ended 10 October 2025:

Out of scope

FPS-25-MIN-0028 **New Zealand - European Union Free Trade Agreement:
Proposed Amendment to Include the Health and Safety
Principle** CONFIRMED
Portfolio: Trade and Investment

Rachel Hayward
Secretary of the Cabinet



Cabinet Foreign Policy and National Security Committee

Minute of Decision

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New Zealand - European Union Free Trade Agreement: Proposed Amendment to Include the Health and Safety Principle

Portfolio Trade and Investment

On 7 October 2025, the Cabinet Foreign Policy and National Security Committee:

- 1 **noted** the need to honour the commitment made to the European Union during the conclusion of negotiations (on 30 June 2022) to amend the *New Zealand - European Union Free Trade Agreement* (NZ-EU FTA) to add 'a safe and healthy working environment' to the list of International Labour Organization (ILO) fundamental labour principles, currently included in the NZ-EU FTA;
- 2 **approved** the text of the decision of the NZ-EU FTA Trade Committee, attached to the paper under FPS-25-SUB-0028 (the Trade Committee Decision), which will amend the NZ-EU FTA;
- 3 **agreed** that New Zealand sign the Trade Committee Decision;
- 4 **noted** that the first meeting of the Trade Committee since the entry into force of the NZ-EU FTA will be held on 24 October 2025 and jointly chaired by EU Commissioner for Trade and Economic Security, Hon Maroš Šefčovič, and the Minister for Trade and Investment, on the margins of the EU Business Summit in New Zealand;
- 5 **agreed** to ratify the amendments to the NZ-EU FTA set out in the Trade Committee Decision and to the Ministry of Foreign Affairs and Trade (MFAT) providing the required notification to the EU after MFAT receives approval to do so from the Minister for Trade and Investment;
- 6 **authorised** New Zealand's Senior Official for the NZ-EU FTA to agree to minor editorial amendments to the text of the Trade Committee Decision (if any) before its signature;
- 7 **noted** that the Minister of Foreign Affairs has determined that the text of the Trade Committee Decision is not a major bilateral treaty of particular significance, and that therefore it is not subject to the Parliamentary treaty examination process;
- 8 **noted** that the amendments would enter into force on the first day of the sixth month following the month during which New Zealand and the EU have ratified the Trade Committee Decision;

- 9 **noted** that the ratification and implementation of the ILO *Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)* is the responsibility of the Minister for Workplace Relations and Safety, and that she will report back to Cabinet to seek approval for decisions on implementation, in due course.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Christopher Luxon
Hon David Seymour
Rt Hon Winston Peters
Hon Nicola Willis
Hon Judith Collins
Hon Todd McClay
Hon Nicola Grigg

Officials present from:

Office of the Prime Minister
Office of the Chair of FPS
Officials Committee for FPS

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Office of the Minister for Trade and Investment

Cabinet Foreign Policy and Security Committee

Approval to amend the New Zealand – European Union Free Trade Agreement to include the Health and Safety Principle

Proposal

- 1 This paper seeks approval to amend the New Zealand - European Union Free Trade Agreement (NZ-EU FTA or FTA) as committed by both FTA parties when trade negotiations were concluded at the end of June 2022. The proposed amendment adds 'a safe and healthy working environment' (the Health and Safety Principle) to the section of the FTA that incorporates the principles of the International Labour Organization (ILO). This Cabinet Paper is not seeking approval to ratify an additional ILO Fundamental Convention.

Relation to government priorities

- 2 This Government is committed to doubling export value over the next decade particularly through promoting global trade and investment. Vital to achieving this goal is strengthening New Zealand's key relationships through international engagements and delivering an intensive, targeted programme of trade and economic diplomacy with the EU – the world's largest single economic market. The early ratification of the NZ-EU FTA by this Government has already helped generate a 28 percent increase in New Zealand's goods and services exports to the EU¹, amounting to just over \$1.7 billion in the first year. This is well above the expected increase predicted by independent modelling of the FTA outcomes. The current geoeconomic volatility means sustaining our access to the EU market is particularly important for New Zealand.

Analysis

Trade impact of the NZ-EU FTA

- 3 New Zealand signed the NZ-EU FTA in May 2023. It entered into force on 1 May 2024. This Government ratified the FTA and secured its entry into force at the earliest opportunity through an accelerated process to maximise the benefits for New Zealand traders and to support the target of doubling export value. Since then, New Zealand's goods and services exports to the EU have increased by 28 percent, from \$6.1 to \$7.9 billion. In addition to this growth in exports, the reduction in tariffs on imports from the EU also benefit New Zealand businesses. These imports include industrial products and machinery required as inputs for production and contribute to subsequent exports of goods to third markets.

¹ This includes a 17% increase in meat exports and 14% increase in dairy exports to the EU.

Commitment to amend the NZ-EU FTA at the first Trade Committee meeting

4 s6(a)

. This was to update the reference to the ILO Fundamental Principles to reflect the 2022 version to expand the fundamental principles, from four to five. New Zealand supported including the additional principle and agreed to a delay in amending the agreement to allow more time for the EU's consultation process with its 27 member states.

5 Given the limited nature of the change, New Zealand and the EU agreed to a simplified process to amend the Agreement through the FTA Trade Committee, bypassing the need to seek separate ratification through the EU Parliament. s6(a)

New Zealand and the EU need to amend the FTA at the first Trade Committee meeting scheduled for 24 October 2025, when the EU Commissioner for Trade and Economic Security, Hon Maroš Šefčovič, intends to visit New Zealand for the EU-NZ Business Summit. Missing this opportunity would make the process significantly more onerous s9(2)(g)(i) . s6(b)(i)

The Health and Safety Principle Amendment

6 The proposed amendment would add 'a safe and healthy working environment' to the list of ILO fundamental principles currently included in Article 19.3(3) of the NZ-EU FTA. The principles are interpreted with reference to the relevant ILO Conventions, and the Parties are obliged to respect, promote, and realise the principles. It is also proposed that a footnote to Article 19.3(5) is deleted, as the footnote will become obsolete because of the amendment to Article 19.3(3). The amendments are set out in the text of the proposed decision of the NZ-EU FTA Trade Committee, which is attached in an annex to this paper (Trade Committee's Decision).

7 If New Zealand agrees to the proposed amendments and ratifies the Trade Committee's Decision, it would be a binding treaty action. I ask that New Zealand's NZ-EU FTA Senior Official has permission to make minor editorial amendments to the text of the Trade Committee's Decision before its signature (if any).

8 If we amend the FTA to include the Health and Safety Principle, New Zealand will be required to make 'continued and sustained efforts' to ratify the relevant ILO Convention, *The Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)* (Convention 187). This is because New Zealand and the EU have agreed in the FTA to make continued and sustained efforts to ratify all the 'fundamental conventions' – in other words, those conventions are linked to the

² During the first year of the Agreement New Zealand's goods and services exports to the EU have increased by 28 percent whereas goods imports from the EU to New Zealand have dropped two percent. s6(a), s6(b)(i)

fundamental principles. This ratification process is already under way for two other ILO Fundamental Conventions with a six-year timeframe³.

9 s9(2)(h)

10

11 s6(a)

Our long-standing reputation as a country that honours its commitments has opened doors to secure high-value FTAs, like the NZ-EU FTA, resolve trade issues with major partners, and propose initiatives such as the EU-CPTPP Dialogue. s6(a)

12 The Minister for Workplace Relations and Safety and the Minister of Trade and Investment would like Cabinet to note the importance of the NZ-EU FTA for New Zealand's overall economy and international relations, s9(2)(j)

Parliamentary treaty examination

13 The Minister of Foreign Affairs considers that the amendment is not a "major bilateral treaty of particular significance" and therefore does not require presentation to the House for parliamentary treaty examination.

³ Namely, ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise) and No. 138 (Minimum Age).

Implementation

Timing for entry into force of the amendments

- 14 The Trade Committee's decision provides that the amendments would enter into force on the first day of the sixth month following the month during which New Zealand and the EU have ratified the Trade Committee's Decision. This means that the FTA amendment would not enter into force until Quarter 2, 2026.
- 15 Following the amendment's entry into force, the Government would need to make 'continued and sustained effort' to ratify Convention 187, in a similar manner to the current work on Convention 87 and Convention 138. s6(a)
- 16 The work towards ratification of Convention 187, and increased reporting and consultation required by the Convention 187 if it is ratified, would require a small amount of resource from Ministry of Business, Innovation and Employment (MBIE) officials working on the Workplace Relations and Safety Portfolio. No legislative change would be required.

Financial Implications

- 17 Any financial implications can be met out of current baselines.

Legislative Implications

- 18 Legislation will not be required to implement the proposed amendment.

Impact Analysis

Regulatory Impact Statement

- 19 The impact analysis requirements do not apply because the proposed amendments to the NZ-EU FTA will not have any regulatory impact.

Consultation

- 20 The following Public Service agency was consulted on this paper: Ministry of Business, Innovation and Employment.

Communications

- 21 Public communications material will be prepared for the Trade Committee Meeting in October 2025 that outlines the key outcomes of the meeting. The amendment to the NZ-EU FTA to add the Health and Safety Principle will be included in this. The outcomes of the Trade Committee will also be shared with New Zealand's Domestic Advisory Group that advises the Ministry of Foreign Affairs and Trade on issues covered under the NZ-EU FTA.

Proactive Release

- 22 This paper will be proactively released within 30 business days of decisions being confirmed by Cabinet with redactions where necessary in line with the Official Information Act 1982.

Recommendations

The Minister for Trade and Investment recommends that the Committee:

- 1 **note** the need to honour the commitment made to the EU during the conclusion of FTA negotiations (30 June 2022) to amend the New Zealand-European Union Free Trade Agreement (NZ-EU FTA) to add ‘a safe and healthy working environment’ to the list of ILO fundamental labour principles currently included in the NZ-EU FTA;
- 2 **approve** the text of the decision of the NZ-EU FTA Trade Committee that will amend the NZ-EU FTA, which is attached in an annex to the paper (Trade Committee’s Decision);
- 3 **agree** that New Zealand sign the Trade Committee’s Decision;
- 4 **note** the first NZ-EU Trade Committee since the entry into force of the FTA will be held on 24 October and jointly chaired by EU Commissioner for Trade and Economic Security, Hon Maroš Šefčovič, and the Minister for Trade and Investment, on the margins of the EU Business Summit in New Zealand. ;
- 5 **agree** to ratify the amendments to the NZ-EU FTA set out in the Trade Committee’s Decision and to the Ministry of Foreign Affairs and Trade (MFAT) providing the required notification to the EU after MFAT receives approval to do so from the Minister for Trade and Investment;
- 6 **authorise** New Zealand’s Senior Official for the NZ-EU FTA to agree to minor editorial amendments to the text of the Trade Committee’s Decision before its signature (if any);
- 7 **note** that the Minister of Foreign Affairs has determined that the text of the Trade Committee’s Decision is not a major bilateral treaty of particular significance and, therefore, not subject to the parliamentary treaty examination process;
- 8 **note** that the amendments would enter into force on the first day of the sixth month following the month during which New Zealand and the EU have ratified the Trade Committee’s Decision; and
- 9 **note** that the ratification and implementation of the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), is the responsibility of

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the Minister for Workplace Relations and Safety and that she will return to Cabinet to seek approval for decisions on the implementation, at the appropriate time.

Authorised for lodgement

Hon Todd McClay

Minister for Trade and Investment

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Annex: Text of the Proposed Decision of the NZ-EU FTA Trade Committee

DRAFT

DECISION

No

.../2025

OF THE TRADE COMMITTEE

of ...

amending Article 19.3(3) and (5) of the Free Trade Agreement between the European Union and New Zealand concerning amendment to the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work and the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work

THE TRADE COMMITTEE,

Having regard to the Free Trade Agreement between the European Union and New Zealand (the 'Agreement'), and in particular Article 19.3(4) thereof,

Whereas:

- (1) The 110th International Labour Conference adopted on 10 June 2022 Resolution I on the inclusion of a safe and healthy working environment in the International Labour Organization's (ILO) framework of fundamental principles and rights at work.
- (2) Article 19.3(4) of the Agreement provides that the Trade Committee may, no later than at its first meeting, adopt a decision to amend Article 19.3(3) of the Agreement to reflect the inclusion of a safe and healthy working environment in the fundamental principles and rights at work in accordance with Resolution I of the 110th International Labour Conference in June 2022.
- (3) Article 19.3(3) of the Agreement should therefore be amended by adding a safe and healthy working environment to the list of fundamental principles and rights at work. In addition, the reference to the ILO Declaration on Fundamental Principles and Rights at Work in Article 19.3(3) of the Agreement should be updated in order to align it with the most recent amendment to that Declaration.
- (4) Following the amendment to Article 19.3(3) of the Agreement, the statement in the footnote to Article 19.3(5) of the Agreement that all Member States have ratified the fundamental conventions of the ILO will become obsolete. It is therefore appropriate to delete that footnote,

HAS ADOPTED THIS DECISION:

Article 1

Article 19.3(3) and (5) of the Agreement are amended as set out in the Annex to this Decision.

Article 2

The amendments set out in the Annex to this Decision shall enter into force on the first day of the sixth month following the month during which the Parties exchange written notifications certifying that they have completed their respective applicable legal requirements and procedures for entry into force of the amendments.

This Decision is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

Done at Brussels and Wellington, ...

*For the Trade Committee
The Co-Chairs*

ANNEX

Article 19.3 of the Free Trade Agreement between the European Union and New Zealand (the 'Agreement') is amended as follows:

(1) paragraph 3 is amended as follows:

(a) the introductory wording is replaced by the following:

'In accordance with the ILO Constitution and the ILO Declaration on Fundamental Principles and Rights at Work adopted at Geneva on 18 June 1998 by the International Labour Conference at its 86th Session and its Follow-up, as amended at its 110th Session in 2022, each Party shall respect, promote and realise the principles concerning the fundamental rights at work which are the subject of the fundamental conventions of the ILO, namely:';

(b) in point (c), after the words 'the effective abolition of child labour;', the word 'and' is deleted;

(c) in point (d), after the words 'the elimination of discrimination in respect of employment and occupation', the full stop is deleted and the following is added:
'; and';

(d) the following point is added:

‘(e) a safe and healthy working environment’;

- (2) in paragraph 5, footnote 1 (‘The Parties note that all Member States have ratified the fundamental conventions of the ILO.’) is deleted.

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