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The texts are published in view of the public interest in the negotiations for information purposes only and they may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the final outcome of the Agreement between the EU and New Zealand.

The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.

CHAPTER XX

TRADE AND SUSTAINABLE DEVELOPMENT

ARTICLE X.1

Context and Objectives

1. The Parties recall the Agenda 21 and the Rio Declaration on Environment and Development adopted by the United Nations (UN) Conference on Environment and Development in 1992, the Johannesburg Plan of Implementation of the World Summit on Sustainable Development of 2002, the International Labour Organisation (ILO) Declaration on Social Justice for a Fair Globalisation of 2008, the Outcome Document of the UN Conference on Sustainable Development of 2012 entitled "The Future We Want" endorsed by the UN General Assembly Resolution 66/288 adopted on 27 July 2012, and the UN 2030 Agenda for Sustainable Development, adopted by the UN General Assembly Resolution 70/1 on 25 September 2015 and its Sustainable Development Goals.

2. The Parties recognise that sustainable development encompasses economic development, social development and environmental protection, all three being inter-dependent and mutually reinforcing and affirm their commitment to promote the development of international trade and investment in a way that contributes to the objective of sustainable development.

3. The Parties recognise the urgent need to address climate change, as outlined in the IPCC Special Report on Global Warming of 1.5°C, as a contribution to the economic, social and environmental objectives of sustainable development.

4. In light of the above, the objective of this Chapter is to enhance the integration of sustainable development, notably its labour and environmental dimensions, in the Parties' trade and investment relationship, including through strengthening dialogue and cooperation.

ARTICLE X.2

Right to Regulate and Levels of Protection

1. The Parties recognise the right of each Party to determine its sustainable development policies and priorities, to establish the levels of domestic environmental and labour protection¹ it deems appropriate and to adopt or modify its relevant law and policies. Such levels, law and policies shall be consistent with each Party's commitment to the agreements and internationally recognised standards referred to in this Chapter.

2. Each Party shall strive to ensure that its relevant law and policies provide for, and encourage, high levels of environmental and labour protection, and shall strive to improve such levels, law and policies.

3. A Party shall not weaken or reduce the levels of protection afforded in its environmental or labour law in order to encourage trade or investment.

4. A Party shall not waive or otherwise derogate from, or offer to waive or otherwise derogate from, its environmental or labour law in order to encourage trade or investment.

¹ Including social protection.

5. A Party shall not, through a sustained or recurring course of action or inaction, fail to effectively enforce its environmental or labour laws in a manner affecting trade or investment.

6. A Party shall not establish or use its environmental or labour laws or other environmental or labour measures in a manner which would constitute a disguised restriction on trade or investment.

ARTICLE X.3

Multilateral Labour Standards and Agreements

1. The Parties affirm their commitment to promote the development of international trade in a way that is conducive to decent work for all, as expressed in the ILO Declaration on Social Justice for a Fair Globalization of 2008.

2. Recalling the ILO Declaration on Social Justice for a Fair Globalisation of 2008, the Parties note that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes.

3. In accordance with the ILO Constitution and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, each Party shall respect, promote and realise the principles concerning the fundamental rights at work, which are the subject of the fundamental ILO Conventions, namely:

(a) freedom of association and the effective recognition of the right to collective bargaining;

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- (b) the elimination of all forms of forced or compulsory labour²;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

4. The Parties welcome the decision of the 110th International Labour Conference by which safety and health is added to Fundamental Principles and Rights at Work. No later than at its first meeting the Trade Committee may adopt a decision to amend Article X3.3 of the TSD Chapter accordingly to reflect this addition.

5. Each Party shall make continued and sustained efforts to ratify the fundamental ILO Conventions if they have not yet done so³.

6. The Parties shall periodically exchange information in an appropriate way on their respective progress with regard to the ratification of ILO Conventions or Protocols.

7. Each Party shall effectively implement the ILO Conventions that New Zealand and the Member States of the European Union have respectively ratified and which have entered into force.

8. Each Party shall, with due regard to national conditions and circumstances, promote through its laws and practices the strategic objectives of the ILO through which the Decent Work Agenda is expressed, set out in the Declaration on Social Justice for a Fair Globalization of 2008 adopted by the International Labour Conference at its 97th Session, in particular with regard to:

- (a) decent working conditions for all, with regard to, *inter alia*, wages and earnings, working hours, other conditions of work and social protection;

² In this context, the Parties underline the importance of ratification of the 2014 Protocol to the Forced Labour Convention.

³ The Parties note that all Member States of the European Union have ratified the fundamental ILO Conventions.

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(b) social dialogue on labour matters between social partners and relevant government authorities;

9. Each Party shall:

(a) adopt and implement measures and policies regarding occupational health and safety, including compensation in case of occupational injury or illness; and

(b) maintain an effective labour inspection system.

The parties recall their obligation under Art. X.3.7, where they have ratified relevant ILO Conventions relating to (a) or (b).

10. The Parties shall work together to strengthen their cooperation on trade-related aspects of labour policies and measures, bilaterally, regionally and in international fora, as appropriate, including in the ILO. Such cooperation may cover inter alia:

(a) implementation of fundamental, priority and other up-to-date ILO Conventions;

(b) decent work, including on the inter-linkages between trade and full and productive employment, labour market adjustment, core labour standards, decent work in global supply chains, social protection and social inclusion, social dialogue and gender equality;

(c) strengthening protection of the labour rights of their respective vulnerable groups;

(d) the impact of labour law and standards on trade and investment; or the impact of trade and investment law on labour.

ARTICLE X.4

Trade and Gender Equality

1. The Parties recognise the need to advance gender equality and women's economic empowerment and promote a gender perspective in the Parties' trade and investment relationship. Moreover, they acknowledge the important current and future contribution by women to economic growth through their participation in economic activity, including international trade. Accordingly, the Parties underline their intention to implement the provisions of this Agreement in a manner that promotes and enhances gender equality.
2. The Parties recognise that inclusive trade policies can contribute to advancing women's economic empowerment and gender equality, in line with Sustainable Development Goal 5 of the UN 2030 Agenda on Sustainable Development and the objectives of the Joint Declaration on Trade and Women's Economic Empowerment on the Occasion of the WTO Ministerial Conference in Buenos Aires in December 2017.
3. The Parties agree on the importance of incorporating a gender perspective into the promotion of inclusive economic growth, and the key role that gender-responsive policies and gender mainstreaming can play in this regard. These include advancing women's participation in the economy and international trade, including in providing equal rights and access to opportunities for the participation of women in the labour market.
4. The Parties shall promote public awareness and transparency of their gender equality laws, regulations, policies, including their impact on and relevance for inclusive economic growth and for trade policy.
5. The parties reiterate their commitments taken in the Article X.2 "Right to Regulate and Levels of Protection" in relation to their respective laws aimed at ensuring gender equality or equal opportunities for women and men.
6. Each Party shall effectively implement its obligations under the UN conventions that addresses gender equality or women's rights to which it is a party, including the Convention on

the Elimination of all Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, noting in particular its provisions related to eliminating discrimination against women in economic life and in the field of employment. In this respect, the Parties reiterate their respective commitments under Article X.3 on Multilateral Labour Standards and Agreements including regarding the effective implementation of the ILO Conventions related to gender equality and the elimination of discrimination in respect of employment and occupation.

7. The Parties shall work together on trade-related aspects of gender equality policies and measures, including activities for women, including workers, businesswomen and entrepreneurs to access and benefit from the opportunities created by this Agreement. To this end, the Parties shall facilitate the cooperation between relevant stakeholders, including wāhine Māori⁴ in the case of New Zealand.

8. Such cooperation shall cover matters of joint interest and may cover *inter alia*:

- (a) Exchange of information and best practices related to collection of sex-disaggregated data and gender-based analysis of trade policies;
- (b) Sharing experiences and best practices related to the design, implementation, monitoring, evaluation and strengthening of policies and programmes aimed at enhancing women's participation in economic activity, including international trade;
- (c) Promoting women's participation, leadership and education, in particular in fields in which they are traditionally underrepresented such as science, technology, engineering, mathematics (STEM), as well as innovation, e-commerce and any other field related to trade;
- (d) Promoting financial inclusion, financial literacy and access to trade finance and education;

⁴ "Wāhine Māori" refers to indigenous women of New Zealand.

(e) Exchange of information and experiences with regard to measures relating to licensing requirements and procedures, qualification requirements and procedures, or technical standards relating to authorisation for the supply of a service that do not discriminate based on gender.

9. Acknowledging the importance of the work on trade and gender being carried out at the multilateral level, the Parties shall cooperate in international and multilateral fora, including at the WTO and OECD, to advance trade and gender issues and understanding, including, as appropriate, through voluntary reporting as part of their National Reports during the WTO trade policy review mechanism.

ARTICLE X.5

Multilateral Environmental Agreements and International Environmental Governance

1. The Parties recognise the importance of international environmental governance, in particular the role of the UN Environment Programme (UNEP) and its highest governing body, the UN Environment Assembly (UNEA), as well as the multilateral environmental agreements, as a response of the international community to global or regional environmental challenges and stress the need to enhance the mutual supportiveness between trade and environment policies.

2. In light of paragraph 1, each Party shall effectively implement the multilateral environmental agreements (MEAs), protocols and amendments that it has ratified and which have entered into force.

3. The Parties shall periodically exchange information in an appropriate way on their respective situations as regards becoming a party to MEAs, including their protocols and amendments.

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4. The Parties affirm the right of each Party to adopt or maintain measures to further the objectives of MEAs to which it is a party. The Parties recall that measures adopted or enforced to implement such MEAs may be justified under Article [insert article number - General Exceptions – Chapter Exceptions].

5. The Parties shall work together to strengthen their cooperation on trade-related aspects of environmental policies and measures, bilaterally, regionally and in international fora, as appropriate, including in the UN High-level Political Forum for Sustainable Development, UN Environment Programme, UNEA, MEAs, OECD, FAO, and the WTO. Such cooperation may cover *inter alia*:

- (a) policies and measures promoting mutual supportiveness of trade and environment including, *inter alia*:
 - (i) sharing information on policies and practices to encourage the shift to a circular economy;
 - (ii) promoting, including by removing obstacles to trade and investment, initiatives that contribute to a circular economy;
- (b) initiatives on sustainable production and consumption, including those aimed at promoting a green growth and pollution abatement;
- (c) initiatives to encourage trade and investment in environmental goods and services, including by addressing related tariff and non-tariff barriers;
- (d) the impact of environmental law and standards on trade and investment; or the impact of trade and investment law on the environment;
- (e) other trade related aspects of MEAs, including implementation.

ARTICLE X.6

Trade and Climate Change

1. The Parties recognise the importance of taking urgent action to combat climate change and its impacts, and the role of trade in pursuing this objective, consistent with the UN Framework Convention on Climate Change (UNFCCC), the purpose and goals of the Paris Agreement adopted by the Conference of the Parties to the UNFCCC at its 21st session, and with other MEAs and multilateral instruments in the area of climate change.
2. In light of paragraph 1, each Party shall effectively implement the UNFCCC and the Paris Agreement, including commitments with regard to Nationally Determined Contributions.
3. The commitment to effectively implement the Paris Agreement under paragraph 2 includes the obligation to refrain from any action or omission which materially defeats the object and purpose of the Paris Agreement.
4. In light of paragraph 1, each Party shall:
 - (a) Promote the mutual supportiveness of trade and climate policies and measures thereby contributing to the transition to a low greenhouse gas emission, resource-efficient and circular economy and to climate-resilient development;
 - (b) Facilitate the removal of obstacles to trade and investment in goods and services of particular relevance for climate change mitigation and adaptation, such as renewable energy and energy efficient products and services, for instance through addressing tariff and non-tariff barriers or through the adoption of policy frameworks conducive to the deployment of best available technologies;

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- (c) Promote emissions trading as an effective policy tool for reducing greenhouse gas emissions efficiently and promote environmental integrity in the development of international carbon markets.

5. The Parties shall work together to strengthen their cooperation on trade-related aspects of climate change policies and measures bilaterally, regionally including with third countries and in international fora, as appropriate, including in the UNFCCC, the Paris Agreement, the WTO, the Montreal Protocol on Substances that Deplete the Ozone Layer, the International Civil Aviation Organisation (ICAO) and the International Maritime Organisation (IMO). Such cooperation may cover *inter alia*:

- (a) Policy dialogue and cooperation regarding the implementation of the Paris Agreement, such as on means to promote climate resilience, renewable energy, low-carbon technologies, energy efficiency, sustainable transport, sustainable and climate-resilient infrastructure development, emissions monitoring, emissions action in relation to third countries as appropriate;
- (b) Policy and technical exchanges regarding the development and implementation of domestic and international carbon pricing including emissions trading, and the promotion of effective standards of environmental integrity in their implementation;
- (c) Supporting the development and adoption of ambitious and effective greenhouse gas emissions reduction measures by the IMO to be implemented by and for ships engaged in international trade;
- (d) Supporting an ambitious phase-out of ozone depleting substances and phase-down of hydrofluorocarbons under the Montreal Protocol on Substances that Deplete the Ozone Layer through measures to control their production, consumption and trade; the introduction of environmentally friendly alternatives to them; the updating of safety and other relevant standards as well as by combating the illegal trade of substances regulated by the Montreal Protocol.

ARTICLE X.7

Trade and Fossil Fuel Subsidy Reform

1. The Parties recall the Sustainable Development Goal target 12.C to rationalise inefficient fossil fuel subsidies that encourage wasteful consumption, including by phasing out harmful fossil fuel subsidies; and the Glasgow Climate Pact and the WTO Ministerial Statement on Fossil Fuel Subsidies adopted on 15 December 2021 that encourage efforts towards meeting this target. The Parties recognise that fossil fuel subsidies can distort markets, disadvantage renewable and clean energy, and be inconsistent with the goals of the Paris Agreement.
2. Accordingly, the Parties share the goal of reforming and progressively reducing fossil fuel subsidies and reaffirm their commitment to work to meet this objective in accordance with national circumstances, while taking fully into account the specific needs of populations affected.
3. The Parties shall strengthen their cooperation on trade-related aspects of fossil fuel subsidy policies and measures bilaterally and in international fora. Recognising that the World Trade Organization can play a central role in the fossil fuel reform agenda, the Parties shall work together and encourage the other WTO members to advance the reform and pursue new fossil fuel subsidy disciplines in the WTO, including through enhanced WTO transparency and reporting that will enable the evaluation of the trade, economic, and environment effects of fossil fuel subsidy programmes.

ARTICLE X.8

Trade and biological diversity

1. The Parties recognise the importance of conserving and sustainably using biological diversity and the role of trade in pursuing these objectives, consistent with relevant MEAs to

which they are a party, including the Convention on Biological Diversity (CBD) and its protocols, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the decisions adopted thereunder.

2. In light of paragraph 1, each Party shall:
 - (a) Implement measures to combat illegal wildlife trade, including with respect to third countries as appropriate;
 - (b) Promote the long-term conservation and sustainable use of CITES listed species and the inclusion of animal and plant species in the Appendices to the CITES where they meet the criteria for listing and conduct periodic reviews, which may result in a recommendation to amend the Appendices to the CITES, in order to ensure that they properly reflect the conservation needs of species subject to international trade;
 - (c) Promote trade in products derived from the sustainable use of biological resources in order to contribute to the conservation of biodiversity;
 - (d) Take appropriate action to conserve biological diversity when it is subject to pressures linked to trade and investment, in particular to prevent the spread of invasive alien species.

3. The Parties recognise the importance of respecting, protecting, preserving and maintaining knowledge, innovations and practices of indigenous peoples and local communities embodying traditional lifestyles that contribute to the conservation and sustainable use of biological diversity and the role of international trade in supporting this.

4. The Parties shall work together to strengthen their cooperation on trade-related aspects of biodiversity policies and measures bilaterally, regionally and in international fora, as appropriate, including in the CBD and CITES. Such cooperation may cover *inter alia*:

- (a) Initiatives and good practices concerning trade in products and services derived from the sustainable use of biological resources with the aim of conserving biological diversity;

- (b) Trade and the conservation and sustainable use of biological diversity, including the development and application of natural capital and ecosystem accounting methods, the valuation of ecosystems and their services and related economic instruments;
- (c) Combatting illegal wildlife trade, including through initiatives to reduce demand for illegal wildlife products and initiatives to enhance information sharing and cooperation;
- (d) Access to genetic resources; and the fair and equitable sharing of benefits from their utilisation consistent with the objectives of the CBD;
- (e) Sharing information and management experiences on the movement, prevention, detection, control and eradication of invasive alien species, with a view to enhancing efforts to assess and address the risks and adverse impacts of invasive alien species.

ARTICLE X.9

Trade and forests

1. The Parties recognise the importance of the conservation and sustainable management of forests for providing environmental functions and economic and social opportunities for present and future generations, and of the role of trade in pursuing this objective.
2. In light of paragraph 1, each Party shall:
 - (a) Combat illegal logging and related trade, including with respect to third countries by legislative or other action;

- (b) Promote the conservation and sustainable management of forests and trade in forest products harvested in accordance with the law of the country of harvest and from sustainably managed forests;
 - (c) Exchange information with the other Party on trade-related initiatives regarding sustainable forest management, forest conservation, forest governance, initiatives designed to combat illegal logging, and other relevant policies of mutual interest.
3. Recognising that deforestation is a major driver of global warming and biodiversity loss, the Parties shall exchange knowledge and experiences on ways to encourage the consumption and trade in products from deforestation-free supply chains, minimising the risk that products associated with deforestation or forest degradation being placed on the market.
4. The Parties shall work together to strengthen their cooperation on trade-related aspects of sustainable forest management, minimising deforestation and forest degradation, forest conservation, illegal logging, and the role of forests and wood-based products in climate change mitigation and the circular and bioeconomies, bilaterally, regionally and in international fora as appropriate.

ARTICLE X.10

Trade and Sustainable Management of Fisheries and Aquaculture

1. The Parties recognise the importance of conserving and sustainably managing marine biological resources and marine ecosystems as well as of promoting responsible and sustainable aquaculture, and the role of trade in pursuing these objectives.
2. The Parties acknowledge that inadequate fisheries management, those forms of fisheries subsidies which contribute to overcapacity and overfishing, and illegal, unreported and unregulated (IUU) fishing threaten fish stocks, the livelihoods of persons engaged in responsible

fishing practices and the sustainability of trade in fishery products and confirm the need for action to end such practices.

3. In light of paragraphs 1 and 2, each Party shall:
 - (a) Implement long-term conservation and management measures to ensure sustainable use of marine living resources based on the best scientific evidence available, the application of the precautionary approach and internationally recognised best practices consistent with relevant UN and FAO agreements⁵, in order to:
 - (i) prevent overfishing and overcapacity;
 - (ii) minimize bycatch of non-target species and juveniles
 - (iii) promote the recovery of overfished stocks.
 - (b) Participate constructively in the work of the Regional Fisheries Management Organisations (RFMOs) to which they are members, observers, or cooperating non-contracting parties, with the aim of achieving good fisheries governance and sustainable fisheries, such as through the promotion of scientific research and the adoption of conservation measures based on best available science, the strengthening of compliance mechanisms, the undertaking of periodical performance reviews and the adoption of effective control, monitoring and enforcement of the RFMOs' management;
 - (c) Implement an ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and

⁵ Such as the UN Convention on the Law of the Sea of 1982, the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 1995, the UN Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 1995, the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of 2009 and the FAO Code of Conduct for Responsible Fisheries.

promote the long-term conservation of marine turtles, seabirds, marine mammals and other species recognised as threatened in relevant international agreements to which each is a party;

4. The Parties acknowledge that illegal, unreported and unregulated (IUU) fishing threatens fishery stocks, the livelihoods of responsible fishers and recognise the importance of concerted national, regional and international action to address IUU fishing in accordance with national and international instruments⁶ and by using relevant bilateral and international frameworks.

5. In support of efforts to combat IUU fishing practices and to help prevent, deter and eliminate trade in products from species harvested from those practices, each Party shall support monitoring, control, surveillance, compliance and enforcement systems, including by adopting, reviewing or revising, as appropriate, effective measures to:

- (a) Deter vessels that are flying their flags and their nationals from supporting or engaging in IUU fishing activities, and respond to IUU fishing when it occurs or is being supported;
- (b) Encourage traceability, facilitate electronic traceability and certification to exclude products from IUU fishing from trade flows, and encourage cooperation and information exchange.

6. The Parties shall promote the development of sustainable and responsible aquaculture, taking into account its economic, social, cultural and environmental aspects, including with regard to the implementation of the objectives and principles contained in the FAO Code of Conduct for Responsible Fisheries.

⁶ Regional and international instruments include, among others, and as they may apply, the 2001 IUU Fishing Plan of Action, the 2005 Rome Declaration on IUU Fishing, adopted in Rome on March 12, 2005, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at Rome, November 22, 2009, the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels as well as instruments establishing and adopted by Regional Fisheries Management Organisations, which are defined as intergovernmental fisheries organisations or arrangements, as appropriate, that have the competence to establish conservation and management measures.

7. The Parties shall work together to strengthen their cooperation on trade-related aspects of fishery and aquaculture policies and measures, bilaterally regionally and in international fora, as appropriate, including in the WTO, FAO, OECD, UNGA, RFMOs and other multilateral instruments in this field with the aim of promoting sustainable fishing practices and trade in fish products from sustainably managed fisheries.

Article X.11

Trade and Investment Supporting Sustainable Development

1. The Parties recognise that trade and investment in goods and services that are related to the protection of the environment or contribute to enhancing social conditions, and that fostering the use of transparent, factual and non-misleading sustainability schemes or other voluntary initiatives can meaningfully contribute to sustainable development.

2. To that end, the Parties have eliminated customs duties on environmental goods originating in the other Party at entry into force of the agreement pursuant to Article X.... (Elimination of Customs Duties) of Chapter X (National Treatment and Market Access for Goods). These goods contribute to achieving environmental and climate goals, by preventing, limiting, minimising or remediating environmental damage to water, air and soil and by contributing to the dissemination of technologies that serve to mitigate climate change. An illustrative list of such products contributing to the climate mitigation is provided in Annex X10A⁷.

3. Furthermore, the Parties have made commitments on environmental services and manufacturing activities in the Agreement's Investment Liberalisation and Trade in Services chapters subject to the reservations listed in [Annexes 1 to 4 to that Title]. These services and activities contribute to achieving environmental and climate goals, by preventing, limiting,

⁷ This list of environmental goods is non-exhaustive and is without prejudice to the approach to the listing of environmental goods that either New Zealand or the European Union may take in other negotiations.

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minimising or remediating environmental damage to water, air and soil and by assisting the transition to a circular economy. An illustrative list of such services is provided in Annex X10A⁸

4 In light of paragraph 1, each Party shall promote and facilitate trade and investment in:

- (a) Environmental goods and services;
- (b) Goods that contribute to enhanced social conditions; and
- (c) Goods subject to transparent, factual and non-misleading sustainability assurance schemes such as fair and ethical trade schemes and eco-labels.

Promotion and facilitation may include:

- (a) Awareness-raising actions and information and public education campaigns;
- (b) Adoption of policy frameworks conducive to the deployment of best available technologies;
- (c) Encouraging the uptake of transparent, factual and non-misleading sustainability schemes especially for SMEs;
- (d) Addressing related non-tariff barriers; and
- (e) Reference to relevant international standards, such as the ILO Conventions and guidelines or Multilateral Environmental Agreements.

5. The Parties shall work together to strengthen their cooperation on trade-related aspects of issues covered by this article bilaterally, regionally and in international and multilateral fora as

⁸ This list of environmental services is non-exhaustive and is without prejudice to the approach to the listing of environmental services that either New Zealand or the European Union may take in other negotiations

appropriate, inter alia through the exchange of information, best practices and outreach initiatives.

ARTICLE X.12

Trade and Responsible Business Conduct and Supply Chain Management

1. The Parties recognise the importance of responsible business conduct / corporate social responsibility practices, including responsible supply chain management, and the role of trade in pursuing this objective.
2. In light of paragraph 1, each Party shall:
 - (a) Promote, including by supporting the dissemination and use of relevant international instruments, such as the OECD Guidelines for Multinational Enterprises, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the UN Global Compact, and the UN Guiding Principles on Business and Human Rights;
 - (b) Promote corporate social responsibility / responsible business conduct, including responsible supply chain management, by providing supportive policy frameworks that encourage the uptake of relevant practices by businesses;
3. The Parties recognise the utility of international sector-specific guidelines in the area of corporate social responsibility / responsible business conduct, and shall promote joint work in this regard. In respect of the OECD Due Diligence Guidance for responsible supply chains of minerals from conflict-affected and high-risk areas and its supplements, the Parties shall also implement measures to promote the uptake of this Guidance. As members of the Committee on World Food Security in the Food and Agriculture Organization, the Parties shall also promote awareness for the “Principles for Responsible Investment in Agriculture and Food Systems”

(RAI-Principles) and the “Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security” (VGGT).

4. The Parties shall work together to strengthen their cooperation on trade-related aspects of issues covered by this article bilaterally, regionally and in international fora as appropriate, *inter alia* through the exchange of information, best practices and outreach initiatives.

ARTICLE X.13

Scientific and technical information

1. When establishing or implementing measures aimed at protecting the environment or labour conditions that may affect trade or investment, each Party shall take into account available scientific and technical information, relevant international standards, guidelines or recommendations.

2. In accordance with the precautionary approach⁹, where there are risks of serious or irreversible damage to the environment or to occupational safety and health, the lack of full scientific certainty shall not be used as a reason for preventing a Party from adopting appropriate measures to prevent such damage.

3. The measures referred to in paragraphs 2 shall not be applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

ARTICLE X.14

⁹ For greater certainty, in relation to the implementation of this Agreement in the territory of the Union, the precautionary approach refers to the precautionary principle.

Transparency

Each Party shall to the extent possible and appropriate provide interested persons and stakeholders with a reasonable opportunity to comment on :

- (a) measures aimed at protecting the environment or labour conditions that may affect trade or investment, or
- (b) trade or investment measures that may affect the protection of the environment or labour conditions,

in order to inform the development and implementation of such measures.

ARTICLE X.15

Committee on Trade and Sustainable Development and Contact Points

1. The Parties hereby establish a [body] on Trade and Sustainable Development (hereafter "the [body]"). The composition and operation of the TSD Sub-Committee is governed by Article X of Title ... [Trade Committee] of this Agreement.
2. The functions of the [body] are to:
 - (a) Facilitate, monitor and review the implementation of this Chapter;
 - (b) Carry out the tasks referred to in Article 13 (3) b of the Dispute Settlement Chapter;

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- (c) Contribute to the work of the Trade Committee on issues covered by this Chapter, including with regard to topics for discussion with ... [the civil society mechanisms] referred to in Article X of Chapter X of this Agreement;
 - (d) Consider any other matter related to this Chapter as the Parties may agree.
3. The [body] shall publish a report after each of its meetings.
4. Each Party shall give due consideration to communications and opinions from the public on matters related to this Chapter. It may inform, where appropriate, [the civil society mechanism established under Article X Chapter X of this Agreement] as well as the contact point of the other Party established in accordance with paragraph 5 of this Article of such communications and opinions.
5. Each Party shall, upon the entry into force of this Agreement, designate a contact point within its administration to facilitate communication and coordination between the Parties on any matter relating to this Chapter. Each Party shall notify the other Party of the contact details of its contact point. The Parties shall promptly notify each other of any change of those contact details.

Annex X10A

A. List of Environmental Goods

The Parties recognise the importance of facilitating trade and investment in goods that contribute to addressing climate change and preservation of the environment and are taking commitments in the Article X.... (Elimination of Customs Duties) to liberalise broad range of goods, upon entry into force of this Agreement. The goods list below is non-exhaustive and illustrates the products that contribute to mitigate climate change by more efficient use of energy and dissemination of renewable technologies. This list is without prejudice to commitments in Article X.... (Elimination of Customs Duties).

Energy efficiency:

3507.90 - Enzymes

3919.90 - Window film -building insulation

3920.62 - Window film -building insulation

4504.10 - Cork - Building insulation materials

4504.90 - Cork - Building insulation materials

6806.10 - Slag wool - Building insulation materials

6806.20 - Slag wool - Building insulation materials

6806.90 - Slag wool - Building insulation materials

6808.00 - Vegetable fibre panels - Building insulation materials

7508.90 - Superconducting cable

8502.39 - Electricity generators for other renewable energy sources

Geothermal, hydro, solar and wind energy:

8418.61 - Geothermal heat pumps

8410.11 - Hydro turbines, small

8410.12 - Hydro turbines, medium

8410.13 - Hydro turbines, large

8410.90 - Parts of hydro turbines

2804.61 - Polysilicon- raw material for production of solar panels

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- 2823.00** - Titanium oxides - raw material for production of solar panels
- 2921.11** - Perovskite - raw material for production of solar panels
- 2925.29** - Perovskite - raw material for production of solar panels
- 2933.39** - Semiconductor additive material for production of solar panels
- 3818.00** - Wafer - part of solar panels
- 3920.10** - Film used in the production of photovoltaic cells
- 3920.91** - Film for protection of solar cells
- 3921.90** - Solar mirror film
- 7005.10** - Glass sheets - component of solar panels
- 7007.19** - Glass sheets - component of solar panels
- 7009.91** - Glass solar concentrating mirrors
- 8419.19** - Water heaters
- 8486.10** - Machines for production of solar wafers
- 8486.20** - Machines for production of solar cells
- 8486.90** - Parts - for the production of solar panels
- 8537.10** - Solar tracking controllers
- 8541.40** - Photovoltaic cells
- 9001.90** - Optical elements to concentrate solar power
- 9002.90** - Optical elements to concentrate solar power
- 9013.80** - Heliostats (device controlling the position of solar panels in relation to the sun)
- 9013.90** - Parts of heliostats
- 7308.20** - Wind turbine towers
- 7308.90** - Parts of wind turbine towers
- 8412.80** - Windmills, turbines
- 8412.90** - Parts of windmills-blades and hubs
- 8482.10** - Ball bearings for use in wind turbines
- 8482.30** - Ball bearings for use in wind turbines
- 8483.10** - Transmission shafts for wind turbines
- 8483.40** - Windmill gear boxes
- 8483.60** - Windmill gear boxes
- 8502.31** - Electricity generators for windmills

B. List of Environmental Services and manufacturing activities

The Parties recognise the importance of facilitating trade and investment in environmental services and manufacturing activities and are taking commitments in the Title on Investment Liberalisation and Trade in Services for the following sectors, subject to the reservations listed in [Annexes 1 to 4] to that Title:

1. Environmental services covered by CPC provisional 94

- 9401 - Sewage services
- 9402 - Refuse disposal services
- 9403 - Sanitation and similar services
- 9404 - Cleaning services of exhaust gases
- 9405 - Noise abatement services
- 9406 - Nature and landscape protection services
- 9409 - Other environmental protection services n.e.c.

2. Circular economy related services, such as:

- 62278 - Wholesale trade services of waste and scrap and materials for recycling
- 633 - Repair services of personal and household goods
- 75410 - Telecommunications - Equipment rental services
- 83101 - Leasing or rental services concerning private cars without operator
- 83106 - Leasing or rental services concerning agricultural machinery and equipment without operator
- 83107 - Leasing or rental services concerning construction machinery and equipment without operator
- 83108 - Leasing or rental services concerning office machinery and equipment (incl. computers) without operator
- 83109 - Leasing or rental services concerning other machinery and equipment without operator
- 8320 - Leasing or rental services concerning personal and household goods
- 88493 - Recycling on a fee or contract basis
- 886 - Repair services incidental to metal products, machinery and equipment

3. Environmentally-related services, which support the use of the environmental goods identified in List A of this annex, such as:

512 - Construction work for buildings

513 - Construction work for civil engineering

514 - Assembly and erection of prefabricated constructions

515 - Special trade construction work

516 - Installation work

62275 - Wholesale trade services of construction materials fittings and fixtures and flat glass

62283 - Wholesale trade services of mining, construction and civil engineering machinery and equipment

86711 - Advisory and pre-design architectural services

86712 - Architectural design services

86721 - Advisory and consultative engineering services

86723 - Engineering design services for mechanical and electrical installations for buildings

86724 - Engineering design services for the construction of civil engineering works

86725 - Engineering design services for industrial processes and production

86726 - Engineering design services n.e.c.

86729 - Other engineering services

86733 - Integrated engineering services for the construction of manufacturing turnkey projects

8675 - Engineering related scientific and technical consulting services

86762 - Testing and analysis services of physical properties

86763 - Testing and analysis services of integrated mechanical and electrical systems

885- Services incidental to the manufacture of metal products, machinery and equipment

4. Manufacturing activities

Manufacture of environmental goods identified in List A of this annex.