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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft DECISION OF THE TRADE COMMITTEE 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

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')¹, and in particular Article 19.3(4) thereof,

¹ OJ L, 2024/866, 25.3.2024, ELI: http://data.europa.eu/eli/agree_international/2024/866/oj.

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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