



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 May 2012

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2012/0100 (NLE)**

**WTO 164
SERVICES 39
COMER 97
COASI 67**

PROPOSAL

from:	the Commission
dated:	4 May 2012
No Cion doc.:	COM(2012) 205 final
Subject:	Proposal for a Council Decision on a position to be taken by the European Union within the Committee on Trade and Sustainable Development set up by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the operation of the Civil Society Forum and the establishment of the Panel of Experts to examine the matters in the areas falling within the scope of the Committee on Trade and Sustainable Development

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 205 final



EUROPEAN COMMISSION

Brussels, 4.5.2012
COM(2012) 205 final

2012/0100 (NLE)

Proposal for a

COUNCIL DECISION

on a position to be taken by the European Union within the Committee on Trade and Sustainable Development set up by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the operation of the Civil Society Forum and the establishment of the Panel of Experts to examine the matters in the areas falling within the scope of the Committee on Trade and Sustainable Development

EXPLANATORY MEMORANDUM

The Free Trade Agreement (FTA) between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (hereinafter referred to as "Agreement") was signed on 6 October 2010, and it has been provisionally applied since 1 July 2011.

Article 13.13(1) of the Agreement stipulates that the parties shall agree by decision of the Committee on Trade and Sustainable Development (TSD) on the operation of the Civil Society Forum no later than one year after the entry into force of the FTA.

Article 13.15 foresees the establishment of a list of persons who could be called to serve in a Panel of Experts to examine matters in the areas of any matter arising under the TSD chapter that could not be satisfactorily addressed through consultations.

The attached constitutes the proposal for a legal instrument approving the position that the Union will take in the Committee on Trade and Sustainable Development on the above mentioned issues.

Proposal for a

COUNCIL DECISION

on a position to be taken by the European Union within the Committee on Trade and Sustainable Development set up by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the operation of the Civil Society Forum and the establishment of the Panel of Experts to examine the matters in the areas falling within the scope of the Committee on Trade and Sustainable Development

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) On 23 April 2007 the Council authorised the Commission to negotiate a free trade agreement with the Republic of Korea on behalf of the European Union and its Member States.
- (2) A Free Trade Agreement between the European Union and its Member States and the Republic of Korea (hereinafter referred to as the Agreement) was signed on 6 October 2010.
- (3) Pursuant to Article 15.10(5), the Agreement has been provisionally applied since 1 July 2011 subject to its conclusion at a later date.
- (4) Article 13.13(1) of the Agreement provides that the parties shall agree by decision of the Committee on Trade and Sustainable Development (TSD) on the operation of the Civil Society Forum no later than one year after the entry into force of the Agreement.
- (5) Article 13.15(3) foresees the establishment of a list of persons who could be called to serve in a Panel of Experts to examine any matter arising under the TSD chapter that could not be satisfactorily addressed through consultations.
- (6) The Union should determine the position to be taken with regard to the operation of the Civil Society Forum and the list of persons who could be called to serve as experts,

¹ OJ C [...], [...], p. [...].

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the Committee on Trade and Sustainable Development set up by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards:

- (i) the operation of the Civil Society Forum foreseen in Article 13.13(1) of the Agreement and
- (ii) the establishment of a list of qualified individuals to serve as panellists, in accordance with Article 13.15(3) of the Agreement,

shall be based on the draft decisions of the Committee on Trade and Sustainable Development attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Once adopted, these Decisions of the EU-Korea Committee on Trade and Sustainable Development shall be published in the *Official Journal of the European Union*.

Done at Brussels, [...]

*For the Council
The President*

ANNEX I

**Draft DECISION No [...] OF THE EU-KOREA COMMITTEE ON
TRADE AND SUSTAINABLE DEVELOPMENT**

of [date]

**on the adoption of the rules of operation of the Civil Society Forum as required by
Article 13.13 of the Free Trade Agreement between the European Union and its
Member States, of the one part, and the Republic of Korea, of the other part**

THE COMMITTEE ON TRADE AND SUSTAINABLE DEVELOPMENT,

Having regard to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, signed in Brussels on 6 October 2010 (hereinafter referred to as the "Agreement"), and in particular Article 13.13 thereof,

Whereas:

- (1) Article 13.13 of the Agreement provides that members of the Domestic Advisory Group(s) from each Party shall meet at a Civil Society Forum.
- (2) The composition of the Civil Society Forum shall ensure a balanced representation of members of the Domestic Advisory Group.
- (3) The Parties shall agree by decision of the Committee on Trade and Sustainable Development on the operation of the Civil Society Forum no later than one year after the entry into force of this Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The rules of operation of the Civil Society Forum, as set out in the Annex to this Decision, are hereby established.

Article 2

This Decision shall enter into force on the day of its adoption

Done at... on ...

For the Trade and Sustainable Development Committee

Co-chair of the Committee on Trade and Sustainable Development of the Republic of Korea
X

Co-chair of the Committee on Trade and Sustainable Development of the European Union
X

Annex

RULES OF OPERATION OF THE CIVIL SOCIETY FORUM

Article 1

The Civil Society Forum will be composed of 12 members of the EU Domestic Advisory Group and 12 members of the Domestic Advisory Groups of Korea designated by the Domestic Advisory Groups themselves. Members may be accompanied by expert advisors. Representatives of the Civil Society Forum from each Party shall include at least 3 representatives of business organisations, trade unions and environmental non governmental organisations respectively.

Article 2

The Civil Society Forum shall have an EU and a Korean co-chair. The co-chairs will be appointed by the EU Domestic Advisory Group and the Korean Domestic Advisory Group(s), respectively, among their participants in the Civil Society Forum.

The co-chairs will draw up the agenda of the Civil Society Forum meetings, based on requests by their respective Domestic Advisory Groups. In addition, the agenda shall include the following regular items:

- (a) Information by the Parties on the implementation of the Chapter on Trade and Sustainable Development;
- (b) Reports of consultations undertaken under Article 13.14 and about work undertaken by Panel of experts under Article 13.15.

Article 3

The Civil Society Forum shall meet at least once a year, alternating between Brussels and Seoul, unless otherwise agreed by the Parties. An extraordinary meeting may be held upon request of one of the Domestic Advisory Groups.

ANNEX II

Draft DECISION No [...] OF THE EU-KOREA COMMITTEE ON TRADE AND SUSTAINABLE DEVELOPMENT

of [date]

on the establishment of a Panel of Experts referred to in Article 13.15 of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part

THE COMMITTEE ON TRADE AND SUSTAINABLE DEVELOPMENT,

Having regard to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, signed in Brussels on 6 October 2010 ("the Parties" and "the Agreement"), and in particular Article 13.15 thereof,

Whereas:

- (1) A Party may request that a Panel of Experts be convened to examine a matter that has not been satisfactorily addressed through government consultations.
- (2) The implementation of the recommendations of the Panel of Experts shall be monitored by the Committee on Trade and Sustainable Development.
- (3) The Parties have developed a list of 18 names, as specified in Annex 2.

HAS ADOPTED THIS DECISION:

Article 1

The list of experts who may serve as panellists for the purposes of Article 13.15 of the Agreement is set out in the Annex to this Decision, and is hereby agreed.

Article 2

This Decision shall enter into force on the date of its adoption and shall be reported to the Korea-EU Trade Committee.

Done at ... on ...

For the Committee on Trade and Sustainable Development

Co-chair of the Committee on Trade and Sustainable Development
of the Republic of Korea
X

Co-chair of the Committee on Trade and Sustainable Development
of the European Union
X

Annex

List of experts

Experts proposed by Korea

Kee-whahn CHAH
Young Gil CHO
Weon Jung KIM
Suh-Yong CHUNG
Taek-Whan HAN
Won-Mog CHOI

Experts proposed by the EU

Eddy LAURIJSEN
Jorge CARDONA
Karin LUKAS
Hélène RUIZ FABRI
Laurence BOISSON DE CHAZOURNES
Geert VAN CALSTER

Chairpersons

Thomas P. PINANSKY
Nguyen Van TAI
Le HA THANH
Jill MURRAY
Ricardo MELÉNDEZ-ORTIZ
Nathalie BERNASCONI-OSTERWALDER

**LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A
BUDGETARY IMPACT**

1. NAME OF THE PROPOSAL:

Council Decision on a position to be taken by the European Union within the Committee on Trade and Sustainable Development set up by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the operation of the Civil Society Forum and the establishment of the Panel of Experts to examine the matters in the areas falling within the scope of the Committee on Trade and Sustainable Development.

2. BUDGET LINES:

Chapter and Article: Administrative resources of the Commission to cover interpretation and venue costs. Amount budgeted for the year concerned: In case of unforeseen needs, resources could be drawn from the following budget lines:

20.02.01 – External trade relations, including access to the markets of non-Community countries

20.01.02.11.00.02.40 – Meetings including Commission staff only

3. FINANCIAL IMPACT

- Proposal has no financial implications
- Proposal has no financial impact on expenditure but has a financial impact on revenue – the effect is as follows:

(€ million to one decimal place)

Budget line	Revenue ²	12 month period, starting dd/mm/yyyy	[Year n]
Article ...	<i>Impact on own resources</i>		

Situation following action

² Regarding traditional own resources (agricultural duties, sugar levies, customs duties) the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % of collection costs.

	[n+1]	[n+2]	[n+3]	[n+4]	[n+5]
Article ...					
Article ...					

4. ANTI-FRAUD MEASURES