



**COUNCIL OF
THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the 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

COMMON GUIDELINES

Consultation deadline for Croatia: 29.5.2012

COUNCIL DECISION

of...

**on the 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 European Commission,

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) The Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part¹ ("the Agreement"), was signed on 6 October 2010.
- (3) Pursuant to Article 15.10(5) of the Agreement, 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) ("the EU-Korea 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 the Agreement.

¹ OJ L 127, 14.5.2011, p. 6.

- (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 government 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,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the EU-Korea 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:

- (a) the operation of the Civil Society Forum foreseen in Article 13.13(1) of the Agreement, and
- (b) 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 EU-Korea Committee on Trade and Sustainable Development attached to this Decision.

Article 2

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

Done at Brussels, ...

For the Council

The President

DRAFT

**DECISION No .../2012 OF THE EU-KOREA COMMITTEE
ON TRADE AND SUSTAINABLE DEVELOPMENT**

of ...

**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 EU-KOREA 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 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(s).
- (3) The Parties shall agree by decision of the EU-Korea 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 the 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 EU-Korea Committee on Trade and Sustainable Development

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

*Co-chair of the EU-Korea Committee on
Trade and Sustainable Development of the
European Union*

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.

DRAFT

**DECISION No .../2012 OF THE EU-KOREA COMMITTEE
ON TRADE AND SUSTAINABLE DEVELOPMENT**

of ...

**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 EU-KOREA 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 EU-Korea Committee on Trade and Sustainable Development.
- (3) The Parties have developed a list of 18 names, as specified in the Annex to this Decision.

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 EU-Korea Trade Committee.

Done at ... on ...

For the EU-Korea Committee on Trade and Sustainable Development

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

*Co-chair of the EU-Korea Committee on
Trade and Sustainable Development
of the European Union*

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 LAURIJSSEN

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
