



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 5 May 2014
(OR. en)**

9057/14

**Interinstitutional File:
2013/0267 (NLE)**

**COASI 48
ASIE 23
PESC 414
COHOM 66
CONOP 37
COTER 19
JAI 245
WTO 145
AGRI 327
ENER 168
TRANS 235
TELECOM 107
ENV 400
EDUC 129**

"I/A" ITEM NOTE

From: Asia Oceania Working Party

To: Permanent Representatives Committee (Part 2)/Council

No. prev. doc.: 5650/14 + COR 1 + ADD 1

No. Cion doc.: 12843/13 - COM(2013) 551 final

Subject: Council Decision on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, with the exception of matters related to readmission

Council Decision on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, as regards matters related to readmission

- Adoption

1. On 12 February 2014, the Council confirmed its agreement in principle on the text of the draft Council Decisions mentioned above and decided to forward them together with the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, to the European Parliament with a view to obtaining its consent pursuant to Article 218 (6) (a) (v) TFEU.
2. On 12 February 2014, the text of both draft Decisions as set out following finalisation by the Legal/Linguistic experts in documents 5287/14 and 5290/14, as well as the Framework Agreement contained in document 6151/10 were forwarded to the European Parliament.
3. On 16 April 2014, the European Parliament gave its consent¹ to the conclusion by the Council of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part.
4. At its meeting on 23 April 2014, the Asia Oceania Working Party took note of the European Parliament's consent and agreed to submit the file to the Permanent Representatives Committee and the Council.
5. Therefore, the Permanent Representatives Committee is invited to recommend that the Council decide as an "A" item on the agenda of one of its forthcoming meetings:
 - to adopt Council Decision on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, with the exception of matters related to readmission, as set out following finalisation by the Legal/Linguistic experts in document 5287/1/14 REV 1;
 - to adopt Council Decision on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, as regards matters related to readmission as set out following finalisation by the Legal/Linguistic experts in document 5290/1/14 REV 1.
 - to enter into its minutes the declarations set out at annex.

¹ P7_TA-PROV(2014)0401; P7_TA-PROV(2014)0402.

Declaration by the Commission

The Commission disagrees with the addition of Articles 79(3), 91, 100 and 191(4) TFEU as legal bases for the conclusion of the Framework Agreement with Korea. A similar issue is already pending before the Court of Justice in relation to the Partnership and Cooperation Agreement with the Philippines.

Statement by Austria and Romania

on the Council Decision(s) on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part

Austria and Romania hold the view that Council decisions in accordance with Article 218 TFEU always concern an agreement in its entirety. A splitting into several decisions which refer to individual articles of an agreement is legally not viable.

Statement by the Czech Republic

on the Council Decision(s) on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part

The Czech Republic holds the view that Council decisions adopted in accordance with Article 218 TFEU throughout the process of concluding the so-called mixed agreements should relate to individual agreements in their entirety. A splitting into two decisions, each of them referring to different articles of an agreement, does not seem to be necessary and could lead to cumbersome procedures.

The Czech Republic notes that the established practice has been to conclude only one Council decision relating to an agreement as a whole. With respect to the [Case C-377/12 *European Commission against Council of the European Union*](#), pending before the Court of Justice of the European Union, we consider the modification of this practice as premature.

Declaration by the United Kingdom

The United Kingdom considers that, with the exception of Article 207 TFEU, the citation of the specific substantive legal bases in the Council Decisions on conclusion does not indicate the exercise of any exclusive external competence by the EU in relation to any matters covered by these legal bases in respect of this Agreement.
