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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Trade Committee established 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, on a revised list of arbitrators in accordance with Article 14.18 thereof and on a revised list of experts in accordance with Article 13.15 thereof

COUNCIL DECISION (EU) 2026/...

of ...

**on the position to be taken on behalf of the European Union
within the Trade Committee established 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,
on a revised list of arbitrators in accordance with Article 14.18 thereof
and on a revised list of experts in accordance with Article 13.15 thereof**

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) 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 ‘Agreement’), was concluded by the Union by means of Council Decision (EU) 2015/2169¹.
- (2) Pursuant to Article 14.18 of the Agreement, the Trade Committee, established pursuant to Article 15.1 of the Agreement, is to establish a list of 15 individuals who are willing and able to serve as arbitrators (the ‘list of arbitrators’). By means of Decision No 2/2011 of 23 December 2011², the Trade Committee established the list of arbitrators.
- (3) The Parties to the Agreement (the ‘Parties’) have expressed their wish to replace some of the Korean nationals, some of the nationals of Union Member States and some of the non-nationals serving as chairs on the list of arbitrators. In order for that replacement to take effect, it is necessary that the revised list of arbitrators be adopted by the Trade Committee.

¹ Council Decision (EU) 2015/2169 of 1 October 2015 on the conclusion 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 (OJ L 307, 25.11.2015, p. 2, ELI: <http://data.europa.eu/eli/dec/2015/2169/oj>).

² Decision No 2 of the EU-Korea Trade Committee of 23 December 2011 on the establishment of a list of arbitrators referred to in Article 14.18 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 (OJ L 58, 1.3.2013, p. 13, ELI: [http://data.europa.eu/eli/dec/2013/111\(1\)/oj](http://data.europa.eu/eli/dec/2013/111(1)/oj)).

- (4) Pursuant to Article 13.15(3) of the Agreement, the Parties are to agree on a list of at least 15 persons with expertise on the issues covered by the Chapter on trade and sustainable development of the Agreement who are willing and able to serve as panellists in accordance with Article 13.15 of the Agreement (the ‘experts’). By means of Decision No 2/2012 of 27 June 2012³, the EU-Korea Committee on Trade and Sustainable Development (the ‘Committee on Trade and Sustainable Development’) established a list of 18 experts. That list has been last revised in 2019 by means of Decision No 1/2019⁴ of the Committee on Trade and Sustainable Development.
- (5) The Parties have expressed their wish to replace some of the non-nationals experts serving as chairs on the list of experts. In order for that replacement to take effect, it is necessary that the revised list of experts be adopted by the Trade Committee.
- (6) The Trade Committee is scheduled to adopt the revised list of arbitrators and the revised list of experts during its next meeting or, if earlier, by written procedure.

³ Decision No 2/2012 of the EU-Korea Committee on Trade and Sustainable Development of 27 June 2012 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 (OJ L 331, 1.12.2012, p. 54, ELI: <http://data.europa.eu/eli/dec/2012/742/oj>).

⁴ Decision No 1/2019 of the EU-Korea Committee on Trade and Sustainable Development of 30 September 2019 on a revised list of experts willing and able to serve as panellists in accordance with Article 13.15 of the Agreement (OJ L 264, 17.10.2019, p. 42, ELI: <http://data.europa.eu/eli/dec/2019/1734/oj>).

- (7) The Decisions of the Trade Committee will, if adopted, produce legal effects for the Union.
- (8) It is therefore appropriate to establish the position to be taken within the Trade Committee on the revised list of arbitrators and on the revised list of experts,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Trade Committee established 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 (the 'Agreement'), on a revised list of individuals who are willing and able to serve as arbitrators in accordance with Article 14.18 of the Agreement shall be based on the draft decision of the Trade Committee attached to this Decision.

Article 2

The position to be taken on the Union's behalf within the Trade Committee established by the Agreement on a revised list of experts willing and able to serve as panellists in accordance with Article 13.15 of the Agreement shall be based on the draft decision of the Trade Committee attached to this Decision.

Article 3

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

Done at ..., ...

For the Council

The President
