EU/Korea Framework Agreement: matters related to readmission

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PURPOSE: to conclude a Framework Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: relations between the EU and the Republic of Korea are currently based on the Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand which entered into force in 2001.

On 7 May 2008, the Council authorised the European Commission to negotiate a new Framework Agreement with Korea. Negotiations with Korea were concluded and the text of the draft agreement was initialled on 14 October 2009. The Agreement was co-signed on 10 May 2010 in Seoul.

It is now appropriate to conclude the agreement on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Articles 207 and 212, in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: with this proposal, the Framework Agreement between the European Union, of the one part, and the Republic of Korea, of the other part, is approved on behalf of the European Union.

The new Framework Agreement will allow the EU to assume greater responsibility and influence in the Korean Peninsula. By virtue of the new Framework Agreement, the EU will promote European values and enhance concrete cooperation in a wide range of areas of mutual interest.

Shared principles: the new Framework Agreement is a testimony to the importance of EU-Korean ties and opens a new era in bilateral relations, based on shared principles such as:

- equality,
- mutual respect, mutual benefit,
- respect for democracy, rule of law and human rights.

Strengthened cooperation: the draft Agreement strengthens political, economic and sectoral cooperation across a wide range of policy fields, including:

- peace and security,
- conflict prevention and crisis management,
- trade,
- environment,
- energy,

- science and technology,
- good governance,
- tourism and culture,
- counter terrorism,
- the fight against corruption and organised crime.

It will further enhance cooperation on responding to global challenges, where both Korea and the EU are playing an increasingly important role, such as in the G20.

The conclusion of the new Framework Agreement is in line with the EU's objective of creating a comprehensive and coherent economic and political framework for relations between the EU and ASEAN countries.

Institutional aspects: it is envisaged to establish a Joint Committee consisting of representatives of the members of the Council of the European Union and representatives of the European Commission, on the one hand, and representatives of the Korea, on the other.

The Joint Committee shall be responsible for ensuring the good functioning of the Agreement.

Modalities for implementation: implementation is covered by consensus and dialogue. If, however, there is divergence of views in the application or interpretation of this Agreement, either Party shall refer to the Joint Committee. If either Party considers that the other Party has failed to fulfil its obligations under this Agreement, it may take "appropriate measures" in accordance with international law, having given prior notice to the Joint Committee of the reasons for the divergence and the possible modalities for mediation. In the selection of measures, priority must be given to those which least disrupt the functioning of the agreement.

Measures are also envisaged so that Parties may request **arbitration** in the event of a dispute.

Duration of the agreement: the Agreement shall be valid indeterminately.

BUDGETARY IMPLICATION: the proposal has no implications for the EU's budget.