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Committee on Foreign Affairs

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DRAFT RECOMMENDATION

on the draft 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

(05287/2014 – C7-0044/2014 – 2013/0267B(NLE))

Committee on Foreign Affairs

Rapporteur: Norica Nicolai

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft 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 (05287/2014 – C7-0044/2014 – 2013/0267B(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (05287/2014),
 - having regard to the Framework Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (06151/2010),
 - having regard to the request for consent submitted by the Council in accordance with Articles 91, 100, 191(4), 207 and 212, in accordance Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C7-0044/2014),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A7-0000/2014),
1. Consents to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Korea.

EXPLANATORY STATEMENT

1. Role of the European Parliament in the process

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, which entered into force in 2001.

The European Commission negotiated a new Framework Agreement with the Republic of Korea, after mandate was approved by the Council on 7 May 2008.

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 and the decision to provisionally apply the Agreement was approved by the Council on the same day.

The Commission tabled its proposal for a Council decision to conclude the Agreement, with the consent of the European Parliament on 25 July 2013.

The rapporteur notes that the Council decided on 10 February 2014 to split the conclusion of the agreement into two decisions and add legal bases, thus also splitting the consent procedure in the European Parliament into two parts: main part, excluding readmission matters and another one purely on readmission matters, falling in the view of the Council within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union. The separate draft Decision relates to Article 33(2) of the Agreement and is therefore subject of a separate consent procedure.

The Council referred the two draft decisions to the EP on 12 February this year.

The rapporteur welcomes the fact that the ratification procedures at the level of Member States have all been completed by February 2014.

The rapporteur deplores the fact that it took almost four years since the signature to consult this House, leaving no time before the end of the current term-in-office of the EP for a fully-fledged accompanying resolution on EU-Korea relations, as is a good tradition in case of international agreements. The rapporteur advises Parliament to consider a follow-up resolution in its next term in order to fully outline its evaluation of the Framework Agreement's implementation, including recommendations to the Council and the EEAS.

While respecting the prerogatives of the Member States in the ratification process, the rapporteur regrets that the Council continues to exercise its practice of delaying consultation of the European Parliament, in cases of mixed agreements, such as the EU-Korea Framework Agreement, until the moment when almost all Member States' parliaments have ratified it, despite the lack of any treaty provisions or other legal basis for such a delay.

The rapporteur recalls that in accordance with Article 218 (6) TFEU, the European Parliament gives its consent to international agreements after their signing and before the Council adopts a decision on their conclusion. Parliament may proceed with a consent procedure only after the Union negotiator (the Commission or the High Representative) submits to the Council a proposal to conclude the agreement, and the Council subsequently sends the corresponding request to the Parliament. In practice, the submission of these proposals and requests is often delayed for protracted periods, which can make the position of the Union towards third countries seem unclear, and may weaken the legitimacy of the Union's external action. It is important to emphasise that Parliament's consent is independent of the ratification by the Member States and must not be subordinated to it.

2. Brief assessment of the EU-Korea Framework Agreement

In general, the rapporteur expresses satisfaction with the strategic partnership since 2010 and the significant political and economic, as well as increasing cultural cooperation between the EU and Korea, demonstrated at the Seventh EU-Korea summit in November 2013, organised on the occasion of 50 years of diplomatic relations.

The importance of relations is underlined by the fact that South Korea was the first Asian country to sign the Framework and Free Trade Agreements with the EU.

The EU-Korea Free Trade Agreement, complementary to the Framework Agreement, was signed in 2010 and entered into force provisionally in 2011. The rapporteur shares the view that its provisional implementation was a remarkable success.

The new Framework Agreement is based on shared principles such as equality, mutual respect, mutual benefit, as well as the respect for democracy, rule of law and human rights.

The Agreement is the over-arching agreement enhancing political, economic and sectoral cooperation in the following policy areas:

- peace and security, conflict prevention, and crisis management,
- trade,
- environment,
- energy, science and technology,
- good governance,
- tourism and culture,
- migration,
- counter-terrorism and 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 rapporteur welcomes the chapter on cyber threats, where the cooperation established by the Framework Agreement will prove vital for a secure future development of cyberspace.

A strengthened regular political dialogue will be established under the terms of the Agreement, including continued exchanges of delegations between the European Parliament

and the National Assembly of the Republic of Korea.

The new Framework Agreement will allow the EU to assume greater responsibility and influence in the Korean Peninsula. In this context, the rapporteur would like to highlight the enhanced cooperation in bringing peace and security to the peninsula, including in the area of non-proliferation of weapons of mass destruction. The rapporteur also welcomes a separate forthcoming agreement between Korea and the EU allowing it to participate in EU crisis management operations, the first Asian country to do so.

In the light of the above-mentioned facts and arguments, the rapporteur recommends that Parliament gives its consent to the Council to conclude the Agreement on behalf of the EU.