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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Recommendation for a COUNCIL DECISION authorising the opening of negotiations with the Republic of Korea for an agreement on mutual recognition in relation to conformity assessments, certificates and markings  
*- Presidency compromise text*

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Delegations will find in the Annex to this note a Presidency compromise text relating to this Decision.

Changes compared to the Commission recommendation are marked in **bold and underlined** for the new text and in ~~striketrough~~ for deletions.

Recommendation for a

**COUNCIL DECISION**

**authorising the opening of negotiations with the Republic of Korea for an agreement on mutual recognition in relation to conformity assessments, certificates and markings**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(3) and (4), first subparagraph, in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas negotiations should be opened with a view to concluding an agreement between the European Union and the Republic of Korea on mutual recognition in relation to conformity assessments, certificates and markings,

HAS ADOPTED THIS DECISION:

*Article 1*

The opening of negotiations on an international agreement on mutual recognition in relation to conformity assessments, certificates and markings between the European Union and the Republic of Korea is hereby authorised.

*Article 2*

The Commission is hereby nominated as the Union negotiator.

*Article 3*

The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the ~~addendum~~ Annex to this Decision.

*Article 4*

- 1.** The negotiations shall be conducted in consultation with **the Council Working Party on Technical Harmonisation acting as** the Special Committee provided for in Article 207(3), third subparagraph, TFEU.
- 2.** **The Commission shall report to the Council on the conduct, the progress and the outcome of the negotiations on a regular basis and whenever requested by the Council, and shall forward the relevant documents to it as early as possible in order to allow the members of the Council reasonable time to prepare themselves properly for the forthcoming negotiations.**
- 3.** **Where appropriate, or where requested by the Council, the Commission shall produce a written report.**

*Article 5*

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council*

The President

**DIRECTIVES FOR THE NEGOTIATION OF A MUTUAL RECOGNITION  
AGREEMENT WITH THE REPUBLIC OF KOREA REGARDING CONFORMITY  
ASSESSMENTS**

**Nature and scope of the Agreement**

1. The Agreement should contain provisions ensuring that each party accepts, as sufficient proof of compliance with the applicable laws specified in the relevant Sectoral Annex, the results of conformity assessment procedures conducted by the registered conformity assessment bodies of the other party. This includes, among others, certificates and markings of conformity.
2. The Agreement should be fully consistent with World Trade Organization (WTO) rules and obligations.
3. The Agreement should provide for reciprocal commitments on mutual recognition regarding conformity assessments.

**Objectives**

4. The objective of the negotiation is to facilitate trade between the EU and the Republic of Korea and facilitate market access by enabling each party to accept test reports, certificates and conformity markings issued by the other's designated conformity assessment bodies (CABs) for specified sectors, thereby avoiding duplication of testing and certification procedures.

**Content**

5. The Agreement should require the parties to accept attestations of conformity, including test reports, certificates, authorisations and markings of conformity, as required by legislation and regulations specified in the Sectoral Annexes to the Agreement and as such attestations are issued by designated CABs in the other party's territories.

6. The Agreement should provide a sectoral and territorial scope of application, specifying the products and sectors covered and each party's entire territory to ensure the free movement of certified products.
7. Each Sectoral Annex to the Agreement should contain, among other things, the following elements:
  - a statement of its scope and coverage;
  - the legislative, regulatory and administrative requirements pertaining to the conformity assessment procedures;
  - a list of the designated CABs;
  - the designating authorities;
  - a set of procedures for the designation of CABs.
8. The Agreement should require parties to make their designated CABs available for verification of technical competence and compliance, while granting the other party the right to contest such bodies only in exceptional circumstances.
9. The Agreement should contain a clause that mutual recognition agreements (MRAs) with non-EU countries would not require the parties to accept conformity assessments from those non-EU countries, unless a formal agreement is concluded.
10. The parties should establish a Joint Committee for amending annexes, resolving disputes, verifying CAB competence, and expanding coverage.
11. The Agreement may require the parties to exchange information on the following elements, among other things:
  - the implementation of the legislative, regulatory and administrative provisions specified in the Sectoral Annexes;
  - the legislative, regulatory and administrative changes they envisage in line with the WTO Members' notification obligations under the Technical Barriers to Trade Agreement;

- the suspension of a designation of a CAB or the removal of such a suspension;
  - the procedures used to ensure that the designated CABs of the parties comply with the legislative, regulatory and administrative requirements outlined in the Sectoral Annexes and with the competence requirements specified in the Annex.
12. The agreement should, as appropriate, state its relationship with the EU-South Korea Free Trade Agreement.
13. The agreement should contain a clause specifying that it must not be construed to entail mutual acceptance of the parties' standards or technical regulations.

### **Final provisions**

14. The Agreement should provide provisions on the termination of the Agreement and on the suspension of the obligations provided for in the Agreement.
15. The Agreement should be equally authentic in all official EU languages and include a language clause to that effect.

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