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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

EXPLANATORY MEMORANDUM

With this recommendation, the European Commission invites the Council of the European Union to: authorise the opening of negotiations for a mutual recognition agreement on conformity assessments, certificates and markings between the European Union and the Republic of Korea; nominate the Commission as Union negotiator; address directives to the negotiator; and designate a special committee in consultation with which the negotiations must be conducted.

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The EU has concluded mutual recognition agreements (MRAs) on conformity assessments with several non-EU countries, including Australia, Canada, Israel, Japan, New Zealand, Switzerland, and the United States, whereby each party accepts conformity assessment results produced by the other's designated bodies to demonstrate compliance with its technical regulations¹.

Under these MRAs, designated conformity assessment bodies (CABs), including laboratories, inspection bodies, and certification entities, are mutually recognised. Lists of these bodies are maintained and made accessible via official repositories such as the EU's NANDO (New Approach Notified and Designated Organisations) database or partner-specific annexes.

An MRA on conformity assessments between the EU and the Republic of Korea would facilitate market access by enabling each party to accept test reports, certificates and conformity markings issued by the other's designated CABs for specified sectors, thereby avoiding duplication of testing and certification procedures.

MRAs help to facilitate trade by reducing non-tariff barriers. Parties accept test reports, certificates and conformity markings issued by each other's CABs, thereby streamlining customs clearance and reducing procedural delays at borders. Empirical evidence indicates that MRAs boost exports, increase the number of exporting firms, and expand product portfolios to partner markets, particularly in sectors representing approximately 30% of total EU exports, and also reduce the time and the shipping costs associated with duplication of testing².

¹ These MRAs include specific sectoral annexes. For instance, the EU-Australia MRA encompasses automotive products, electromagnetic compatibility (EMC), low voltage equipment, machinery, medical devices, pressure equipment, telecommunications terminal equipment (TTE), and good manufacturing practice (GMP). Similarly, the EU-Switzerland MRA covers 20 sectors, such as machinery, personal protective equipment, toys, medical devices, gas appliances, pressure vessels, radio equipment, electrical equipment, construction products, lifts, and biocidal products. The EU-Canada MRA under the Comprehensive Economic and Trade Agreement (CETA) covers electrical equipment, toys, construction products, machinery, measuring instruments, equipment for explosive atmospheres, etc. The EU-Japan MRA applies to electrical products, radio and telecommunications terminal equipment (R&TTE), GMP, and good laboratory practice (GLP), whereas the EU-New Zealand MRA deals with EMC, low voltage equipment, machinery, medical devices, pressure equipment, TTE, and GMP. The EU-Israel MRA is limited to GLP, and the EU-United States MRA provides for mutual recognition for EMC, telecommunication equipment, and marine equipment, thereby avoiding duplication of assessments for the products covered.

² See Cernat, L., *How important are mutual recognition agreements for trade facilitation?*, Policy Brief No 10, European Centre for International Political Economy (ECIPE), 2022.

MRAs create cost efficiencies by allowing companies to rely on domestic CABs for exports, thereby easing the financial burden of obtaining certification in another country. This burden often disproportionately falls on small and medium-sized enterprises (SMEs), which also have to face higher compliance costs. MRAs foster mutual trust in conformity systems and do not require regulatory harmonisation. They enable exporters to follow uniform testing procedures in both EU and non-EU markets. They also promote broader market access while preserving sovereign regulatory autonomy.

The Republic of Korea has signed such MRAs with Canada, Chile, Indonesia, the United Kingdom, the United States, and Vietnam. By allowing South Korean companies to rely on test results and certifications issued in partner countries, these agreements help avoid duplication of testing and certification procedures in the Republic of Korea, thus significantly reducing time, administrative burden and costs for South Korean exporters. However, since EU companies do not benefit from equivalent MRAs with the Republic of Korea in many sectors, they often face higher compliance costs, including repeated testing or local certification. As a result, EU exporters are placed at a competitive disadvantage compared with firms from countries that have concluded MRAs with the Republic of Korea, especially in regulated industries like electronics.

- **Consistency with existing policy provisions in the relevant domain**

An MRA on conformity assessments, certificates and markings between the EU and the Republic of Korea would build on the existing EU-South Korea Free Trade Agreement (FTA), which has already eliminated 98.7% of tariffs³ and removed non-tariff barriers in electronics, pharmaceuticals, motor vehicles, and chemicals, but lacks full mutual recognition of conformity results. Consequently, bilateral trade, which reached EUR 123.7 billion in goods in 2024, would benefit from reduced border delays, harmonised documentation, and better supply chain integration, particularly given the Republic of Korea's role as the EU's eighth-largest export destination for goods⁴.

- **Consistency with other Union policies**

The recommendation is consistent with other Union policies.

MRAs support the common commercial policy by reducing trade barriers and facilitating market access through sector-specific bilateral agreements with non-EU countries that accept equivalent testing conducted in other countries, thus avoiding duplication of assessments. The agreements deliberately avoid mandating changes to technical regulations, standards or requirements of the parties, thereby preserving each party's right to regulate and only allowing foreign test reports or certificates to be accepted as proof of compliance.

See also: DG TRADE, *Survey on Mutual Recognition Agreements (MRAs), Summary Report*, July 2023, <https://trade.ec.europa.eu/access-to-markets/en/assets/Report%20on%20the%20Survey%20on%20Mutual%20Recognition%20Agreements%202023.pdf>.

³ European Commission, Access to markets, 'EU-South Korea Free Trade Agreement', European Commission website, accessed 25 February 2026, <https://trade.ec.europa.eu/access-to-markets/en/content/eu-south-korea-free-trade-agreement>.

⁴ European Commission, Trade and Economic Security, 'South Korea. EU trade relations with the Republic of Korea. Facts, figures and latest developments', European Commission website, accessed 25 February 2026, https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/south-korea_en.

This recommendation is also in line with the principles of the World Trade Organization (WTO) Technical Barriers to Trade Agreement, as it promotes regulatory cooperation on conformity assessment, reduces non-tariff barriers and upholds essential EU requirements, such as safety and environmental standards.

Lastly, conducting MRA negotiations constitutes a strategic action fully aligned with the EU's priorities to enhance global competitiveness and foster new market opportunities for EU companies. In the current international context marked by escalating trade barriers and protectionist measures among key trading partners, MRAs serve to dismantle technical and regulatory obstacles, thus facilitating smoother market access and lowering costs for EU companies. This approach is consistent with the Commission's agenda for competitiveness. As highlighted in the Draghi report on EU competitiveness and in the Commission's Competitiveness Compass, overcoming fragmentation and regulatory barriers is crucial for closing the investment and productivity gaps that hamper the EU's economic growth. Draghi's report also underscores the importance of strategic and preferential trade agreements to secure critical supply chains and bolster EU competitiveness. In this context MRAs are essential tools for facilitating trade and reducing barriers in external markets. Therefore, pursuing MRAs aligns strongly with both the EU's internal competitiveness objectives and its external trade policy agenda.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Procedural legal basis

Article 218(3) of the Treaty on the Functioning of the European Union (TFEU) provides that, where the agreement envisaged does not relate exclusively or principally to the common foreign and security policy, the Commission shall submit recommendations to the Council. The Council shall adopt a decision authorising the opening of the negotiations and nominating the Union negotiator or the head of the Union's negotiating team.

Article 218(4) TFEU provides that the Council may address negotiating directives to the negotiator and designate a special committee to consult the negotiator.

The Commission recommends to open negotiations between the European Union and the Republic of Korea for an international agreement, relating to mutual recognition in relation to conformity assessment, certificates and markings. The Commission is to be nominated as negotiator.

The procedural legal basis for the proposed decision to authorise opening of negotiations of the envisaged agreement is Article 218(3) and (4) TFEU.

• Substantive legal basis

The legal basis is Article 207(3) and (4) and Article 218(3) and (4) of the Treaty on the Functioning of the European Union (TFEU).

• The choice of negotiator

Given that the agreement envisaged exclusively covers matters other than the common foreign and security policy, the Commission must be designated as the negotiator pursuant to Article 218(3) TFEU.

- **Union competence**

This act falls within the common commercial policy under Article 207 TFEU. It therefore falls within the exclusive competence of the Union in accordance with Article 3(1) TFEU.

- **Subsidiarity (for non-exclusive competence)**

Under Article 5(3) of the Treaty on European Union, the subsidiarity principle does not apply in areas of exclusive Union competence. The common commercial policy is listed among the areas of exclusive competence of the Union in Article 3 TFEU. This policy includes the negotiation of trade agreements pursuant to Article 207 TFEU, among other provisions.

- **Proportionality**

The Commission recommendation is in line with the principle of proportionality and is necessary in light of the EU's objective to use international trade agreements to advance competitiveness, security, sustainability, and rules-based multilateral trade.

- **Choice of the instrument**

This recommendation for a Council decision is submitted in accordance with Article 218(3) and (4) TFEU, which envisage the adoption by the Council of a decision authorising the opening of negotiations and nominating the Union negotiator. The Council may also address negotiating directives to the negotiator. There is no other legal instrument that could be used in order to achieve the objective expressed in this recommendation.

3. RESULTS OF EX POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex post* evaluations / fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

Not applicable.

- **Collection and use of expertise**

Not relevant.

- **Impact assessment**

This recommendation to the Council to authorise the Commission to conduct bilateral negotiations with the Republic of Korea is a preparatory step with 'no significant economic, environmental or social impacts' pursuant to the Better Regulation Guidelines. It does not therefore require conducting an impact assessment.

The new agreement is expected to streamline market access by enabling each party to accept test reports, certificates and conformity markings issued by the other's designated CABs for specified sectors, thereby avoiding duplication of testing and certification procedures. The agreement would build on the existing EU-South Korea FTA, which has already eliminated 98.7% of tariffs and removed non-tariff barriers in sectors such as electronics, pharmaceuticals, motor vehicles, and chemicals, but lacks full mutual recognition of conformity results.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The recommendation is consistent with the EU Treaties and the Charter of Fundamental Rights of the European Union.

4. BUDGETARY IMPLICATIONS

The MRA on conformity assessments, certificates and markings between the EU and the Republic of Korea will have no negative impact on the budget of the EU. Indirect positive impacts can be expected from increased trade flows.

5. OTHER ELEMENTS

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

This proposal recommends that the Council adopt a decision authorising the Commission to: open negotiations for an MRA on conformity assessments, certificates and markings between the EU and the Republic of Korea; nominate the Commission as Union negotiator; address directives to the negotiator; and designate a special committee in consultation with which the negotiations must be conducted.

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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 to this Decision.

Article 4

The negotiations shall be conducted in consultation with the Special Committee provided for in Article 207(3), third subparagraph, TFEU.

Article 5

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*