

(English version)

**Question for written answer E-003088/26
to the Commission
Saskia Bricmont (Verts/ALE)
(22 July 2026)**

Subject: Wording of labour provisions in trade and sustainable development (TSD) chapters and implications regarding their enforceability

In 2019, the Commission initiated dispute settlement proceedings against South Korea, alleging that it had failed to fulfil its obligations concerning International Labour Organisation (ILO) conventions under the bilateral free trade agreement (FTA). The dispute focused on the provision requiring the parties to ‘make continuous and sustained efforts towards the ratification’ of the fundamental ILO conventions.

In its report of 20 January 2021 ⁽¹⁾, the Panel of Experts issued several recommendations. It stressed that this obligation was not enforceable ‘in the absence of explicit targets or at least any informal understanding on expected milestones towards ratification’ (paragraphs 276 and 278). Since then, the European Parliament ⁽²⁾ and the Council ⁽³⁾ have recommended adopting ‘detailed, time-bound implementation roadmaps’ as a useful tool to achieve the desired results.

Nevertheless, subsequent FTAs have retained the same contentious wording in their TSD chapters.

1. Why has the Commission not incorporated the Panel of Experts’ findings into subsequent FTAs?
2. Why has it not used the TSD Committee to agree on implementation roadmaps with partner countries? (If it has, what was the outcome?).

Submitted: 22.7.2026

**Answer given by Mr Šefčovič on behalf of the European Commission
(13 October 2026)**

Following the dispute settlement initiated ⁽¹⁾ by the Commission in 2019, the Panel of Experts published their report ⁽²⁾ on 20 January 2021.

The report confirmed the EU’s concerns that the Republic of Korea has not acted consistently with its trade and sustainable development (TSD) obligations under the EU-Republic of Korea free trade agreement (FTA) ⁽³⁾.

In the report, the Panel found ⁽⁴⁾ that the last sentence of Article 13.4 (3) of the EU-Republic of Korea FTA which sets out that ‘the Parties will make continued and sustained efforts towards ratifying the fundamental International Labour Organisation (ILO) Conventions’, ‘imposes a legally binding obligation on the Parties’.

Subsequently, South Korea ratified three ILO fundamental Conventions on Freedom of Association and Protection of the Right to Organise, on Right to Organise and Collective Bargaining, and on Forced Labour; and amended its labour law in line with those ILO Conventions. The commitment contained in this sentence has thus proven effective.

The EU has actively followed up on the implementation of commitments in the TSD chapters in trade agreements. In practice, this has mainly been done through: TSD Committees, where the EU and the partner countries discuss issues covered by the TSD chapters; technical meetings on specific subjects, where needed; work plans and cooperation activities to tackle specific implementation issues.

¹ <https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/d4276b0f-4ba5-4aac-b86a-d8f65157c38e/details>.

² Paragraph 2 of European Parliament resolution of 6 October 2022 on the outcome of the Commission’s review of the 15-point action plan on trade and sustainable development, OJ C 132, 14.4.2023, p. 99.

³ Paragraph 7 of the Council Conclusions on the Trade and Sustainability Review, <https://www.consilium.europa.eu/en/press/press-releases/2022/10/17/council-conclusions-on-the-trade-and-sustainability-review/>.

⁽¹⁾ https://policy.trade.ec.europa.eu/news/eu-moves-ahead-dispute-settlement-over-workers-rights-republic-korea-2019-07-05_en.

⁽²⁾ https://ec.europa.eu/commission/presscorner/detail/en/ip_21_203.

⁽³⁾ <https://eur-lex.europa.eu/EN/legal-content/summary/eu-south-korea-free-trade-agreement.html>.

⁽⁴⁾ https://ec.europa.eu/commission/presscorner/detail/en/ip_21_203.

A clear example is Peru. After concerns about implementation were raised through the Single Entry Point complaint mechanism, the Commission and Peru developed a list of cooperation activities ⁽⁵⁾ to work jointly on the issues identified. This cooperative approach has proven useful and effective in advancing the implementation of TSD provisions.

⁽⁵⁾ https://policy.trade.ec.europa.eu/news/eu-and-peru-agree-cooperation-activities-ensure-respect-labour-rights-2024-03-20_en.