Sustainable Labour Conditionality in EU Free Trade Agreements?
Implications of the EU-Korea Expert Panel Report

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Abstract: The Panel of Experts Report issued in 2021 with respect to the European Union (EU)-The Republic of Korea Free Trade Agreement (FTA) altered expectations regarding the extent to which trade and sustainable development (TSD) chapters could have legally binding effect. While revealing the weakness of obligations regarding ratification of International Labour Organization (ILO) Conventions incorporated in standard EU TSD chapters, the Expert Report serves as an important reminder that labour standards are a facet of social sustainability alongside environmental goals and economic objectives. It also indicates that ILO members may have legally binding obligations regarding freedom of association where these are included expressly as commitments in the FTA. Further, the Expert Report suggests that sustainable development provides a new paradigm for understanding how labour standards may affect trade, challenging earlier assumptions. The decision to create the Panel (and indeed the follow up on its outcome) may indicate a more "assertive" stance taken by the EU. How that stance is mediated by ILO norms and institutions is likely to be significant, as is the extent of engagement with civil society, including trade union voice.