



Council of the  
European Union

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AUDIO 73  
RELEX 442  
COMER 72

#### 'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
On:	24 May 2017
No. prev. doc.:	8599/17 AUDIO 51 RELEX 352 COMER 62
No. Cion doc.:	8211/17 AUDIO 40 RELEX 315 COMER 53
Subject:	Proposal for a Council Decision as regards the extension of the period of entitlement to audiovisual co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part - <i>Adoption</i>

1. On 11 April 2017, the Commission submitted to the Council a proposal for a Council Decision concerning the extension of the period of entitlement to audiovisual co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part<sup>1</sup>.

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<sup>1</sup> 8211/17

2. This is the second time<sup>2</sup> that the Council has been asked to approve the extension of the period of entitlement to audiovisual co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation which is annexed to the Free Trade Agreement between the EU and Korea.
3. According to Council Decision (EU) 2015/2169<sup>3</sup>, the period of entitlement can be renewed if the Council, on a proposal from the Commission, agrees four months before the end of the period for entitlement to continue the entitlement. The entitlement is established for 3 years and the current period will expire on 30 June 2017.
4. The Commission presented its proposal to the Audiovisual Working Party on 12 April. The Presidency presented at the Audiovisual Working Party meeting on 2 May a modified text, which includes a changed legal basis<sup>4</sup> and a number of legal-linguistic changes that were made to align the wording with the 2014 decision.
5. The text of the Decision as it has resulted from the Audiovisual Working Party meetings has the unanimous support of all delegations<sup>5</sup> and can be found in the Annex to this note.
6. The Permanent Representatives Committee is therefore invited to confirm the agreement reached at the working party level and suggest to the Council to adopt, as an "A" item at a forthcoming meeting, the decision which can be found in the Annex to this note and publish it subsequently in the Official Journal.

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<sup>2</sup> First extension done in 2014, OJ L 124, 25.4.2014, p. 25.

<sup>3</sup> Council Decision (EU) 2015/2169 of 1 October 2015 on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (OJ L 307, 25.11.2015, p. 2).

<sup>4</sup> doc. 8599/17.

<sup>5</sup> Unanimity voting rule is required by Council Decision (EU) 2015/2169.

Proposal for a

**COUNCIL DECISION**

**as regards the extension of the period of entitlement to audiovisual co-productions as provided for in Article 5 of the Protocol on Cultural Cooperation to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Article 3(1) of Council Decision (EU) 2015/2169 of 1 October 2015 on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part<sup>6</sup>,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 1 October 2015 the Council adopted the Decision 2015/2169 on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ("the Decision").

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<sup>6</sup> OJ L 307, 25.11.2015, p. 2.

- (2) The Protocol on Cultural Cooperation ("the Protocol") which is annexed to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, sets up in Article 1 the framework within which the Parties cooperate for the facilitation of exchanges regarding cultural activities, goods and services, including in the audiovisual sector. Pursuant to Article 5(3) of the Protocol, the Parties should facilitate co-productions between producers from the EU Party and Korea, including through entitlement for co-productions to benefit from respective schemes for the promotion of local and regional cultural content.
- (3) Pursuant to Article 5(8)(b) of the Protocol, following the initial period of three years, the entitlement will be renewed for a duration of three years and should thereafter be automatically renewed for further successive periods of the same duration, unless a Party terminates the entitlement by giving notice in writing at least three months before the expiry of the initial or any subsequent period.
- (4) In accordance with Article 3(1) of Decision 2015/2169, the Commission is to provide notice to Korea of the Union's intention not to extend the period of entitlement to co-production pursuant to Article 5 of the Protocol following the procedure set out in Article 5(8) of the said Protocol unless, on a proposal from the Commission, the Council agrees four months before the end of such period of entitlement to continue the entitlement. If the Council agrees to continue the entitlement this provision is to become applicable again at the end of the renewed period of entitlement. For the specific purposes of deciding on the continuation of the period of entitlement, the Council is to act by unanimity.
- (5) On 5 September 2016, the Union Domestic Advisory Group set up in accordance with Article 3(5) of the Protocol delivered a favourable opinion on the extension of the period of entitlement, as provided for in Article 5(8)(a) of the Protocol.

- (6) The Council agrees with the extension of the period of entitlement for audiovisual co-productions to benefit from the respective schemes of the Parties for the promotion of local and regional cultural content as provided for in paragraphs 4, 5, 6 and 7 of Article 5 of the Protocol.
- (7) This Decision should not affect the respective competences of the Union and the Member States,

HAS ADOPTED THIS DECISION:

*Article 1*

The period of entitlement for audiovisual co-productions to benefit from the respective schemes of the Parties for the promotion of local and regional cultural content, as provided for in paragraphs 4, 5, 6 and 7 of Article 5 of the Protocol, shall be extended for a duration of three years, from 1 July 2017 to 30 June 2020.

*Article 2*

This Decision shall enter into force on the date of its adoption.

Done at [...],

*For the Council*  
*The President*

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