



**COUNCIL OF
THE EUROPEAN UNION**

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AUDIO 22
RELEX 296
COMER 111

"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1) / Council

No. prev. doc.: 7812/14 CULT 38 AUDIO 19 RELEX 243 COMER 90
No. Cion prop.: 6241/14 CULT 15 AUDIO 3 RELEX 101 COMER 42

Subject: Draft Council Implementing Decision as regards the extension of the period of entitlement for 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
- *Adoption*

1. On 24 February 2014 the Commission submitted to the Council a proposal on the position to be taken on behalf of the European Union as regards the extension of the entitlement to 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 part¹.

¹ 6241/14.

2. The proposal was examined by the Cultural Affairs Committee. The Committee addressed in particular the legal basis of the Commission proposal which was Article 167(3) of the Treaty on the Functioning of the European Union (TFEU), together with Article 218(9) TFEU. The Committee agreed to change that legal basis and refer to Council Decision 2011/265/EU² which in its Article 4 provides for the procedure to be used regarding the extension of the period of entitlement for audio-visual co-productions between the EU and Korea. This change was also reflected in the title of the decision ("Council Implementing Decision").
 3. The text of the Decision as it has resulted from the Cultural Affairs Committee's meetings³ has the unanimous support of all delegations⁴.
 4. The Permanent Representatives Committee is therefore invited to confirm the agreement reached at the working party level and suggest to the Council to adopt the decision as finalised by legal/linguist experts and contained in document 8218/14 as an "A" item at a forthcoming meeting.
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² Council Decision of 16 September 2010 on the signing, on behalf of the European Union, and provisional application 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 127, 14.5.2011, p. 1).

³ 7812/14.

⁴ Unanimity voting rule is required by Council Decision 2011/265/EU.