



Council of the European Union
General Secretariat

Brussels, 25 March 2020

CM 1927/20

PROCED
AUDIO
RELEX
COMER

COMMUNICATION

WRITTEN PROCEDURE

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Subject: END OF WRITTEN PROCEDURE

Council 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

Delegations are informed that the written procedure, opened by CM 1918/20 of 23

March 2020, was completed on 25 March 2020 at 17:00. Except for the Netherlands and Portugal that abstained, all delegations voted in favour of:

- the adoption of the Council 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, as set out in doc. ST 6872/20.

The required unanimity has been reached. Therefore, the above Decision of the Council is adopted.

The statement by the Commission is reproduced in the Annex to this CM.

The above statement will be included in the summary of acts adopted by the written procedure as statement to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

The European Parliament will be informed of the adoption in accordance with Article 218(10) TFEU.

Statement by the Commission

The rules regarding the manner in which the EU institutions arrive at their decisions are laid down in the Treaties and are not at the discretion of the Member States or of the institutions themselves. Council Decisions concluding international agreements cannot derogate from the Treaties as regards the procedure to extend in time obligations arising from international agreements, which are thereby concluded.

Therefore, the Commission considers that the change in the legal basis of the Council decision constitutes a violation of EU law.

The Commission reserves its right to clarify this issue before the Court of Justice.
