Council Decision (EU) 2020/470 of 25 March 2020 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

COUNCIL DECISION (EU) 2020/470

of 25 March 2020

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

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[(1)],

Having regard to the proposal from the European Commission,

Whereas:

(1) On 1 October 2015, the Council adopted Decision (EU) 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.

(2) The Protocol on Cultural Cooperation[(2)] 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[(3)] ('the Protocol'), sets up in Article 1 the framework within which the Parties are to cooperate for the facilitation of exchanges regarding cultural activities, goods and services, including in the audiovisual sector.

(3) The Protocol exceptionally includes provisions on the entitlement for audiovisual co# productions to benefit from the respective schemes that is in principle reserved for developing countries with developing audiovisual industries.

(4) Pursuant to point (b) of Article 5(8) of the Protocol, following the initial period of three years, the entitlement will be renewed for a duration of three years and is thereafter to 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. The actual effects of the Protocol in relation to audiovisual co-productions should be assessed in due time by the Committee on Cultural Cooperation and should serve as the basis for the Union's decision on whether or not to extend the entitlement in 2023 for a further period of three years.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2020/470. (See end of Document for details)*

(5) In accordance with Article 3(1) of Decision (EU) 2015/2169, the Commission is to provide notice to Republic of 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 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, that procedure 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.

(6) On 17 October 2019, the Union Domestic Advisory Group provided for in Article 3(5) of the Protocol was consulted on the extension of the period of entitlement, as provided for in Article 5(8) of the Protocol.

(7) In view of the close, historical and unique relationship between the Union and the Republic of Korea, 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/regional cultural content as provided for in paragraphs 4-7 of Article 5 of the Protocol.

(8) This Decision should not affect the respective competences of the Union and the Member States. In particular, it should not affect the competence of Member States to conclude co-production agreements,

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/regional cultural content, as provided for in paragraphs 4-7 of Article 5 of the Protocol, shall be extended for a duration of three years, from 1 July 2020 to 30 June 2023.

Article 2

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

Done at Brussels, 25 March 2020.

For the Council

The President

A. METELKO-ZGOMBIĆ