EU/Korea Free Trade Agreement

2022/0257(NLE) - 13/10/2022 - Legislative proposal

PURPOSE: to amend 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.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

On 1 October 2015, the Council adopted Decision (EU) 2015/21691 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 Protocol on cultural cooperation 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, contains provisions on the entitlement of audiovisual co-productions to benefit from the respective schemes of the Parties to the Agreement.

After the initial period of three years, the above-mentioned right will be reopened for further successive periods of the same duration, unless a Party terminates it by giving written notice at least three months before the expiry of the initial or any subsequent period.

In accordance with Article 3(1) of Decision (EU) 2015/2169, the Commission is to provide notice to the Republic of Korea of the Union’s intention not to extend the period of entitlement to co-production unless, on a proposal from the Commission, the Council unanimously agrees four months before the end of the period of entitlement to continue the entitlement.

In its judgment of 1 March 2022 in Case C-275/20, Commission v Council, the Court of Justice ruled that the procedure laid down in Article 3(1) of Decision (EU) 2015/2169 does not comply with Article 218 of the Treaty on the Functioning of the European Union (TFEU) insofar as it requires the Council to vote by unanimity. The applicable voting rule for the adoption of decisions such as those envisaged by Article 3 (1) of Decision (EU) 2015/2169 should be qualified majority voting in the Council.

CONTENT: the Council's draft aims to amend Decision (EU) 2015/2169 on the conclusion of the EU-Korea Free Trade Agreement so that the **requirement for the Council to act unanimously** to decide to extend the period of application of the duty is removed.