EU/Korea Free Trade Agreement

2022/0257(NLE) - 22/11/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 609 votes to 6, with 18 abstentions, a legislative resolution on the draft Council decision amending 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.

Parliament **gave its consent** to the draft Council decision.

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, has been provisionally applied since July 2011 and formally entered into force on 13 December 2015.

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.

The Protocol on cultural cooperation annexed to the Agreement sets out the framework for the Parties to cooperate in order to facilitate exchanges of cultural activities, goods and services in the audiovisual sector. The Protocol contains provisions on an entitlement of audiovisual co-productions to benefit from the respective schemes of the Parties to the Agreement.

According to the Protocol, following the initial period of three years, the above entitlement will be renewed for further successive periods of the same duration, unless a Party terminates it by giving notice in writing 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.

This draft Council decision aims to amend Decision (EU) 2015/2169 so as to comply with the Court of Justice’s judgment of 1 March 2022 in case C-275/20. In this case, the Court of Justice decided that the procedure established 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.

The Council's draft aims to amend Decision (EU) 2015/2169 on the conclusion of the EU-Korea Free Trade Agreement in order to **remove the requirement for the Council to act unanimously** for the purpose of deciding to extend the period of application of the entitlement.