



| Basic information | |
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| 2022/0257(NLE) NLE - Non-legislative enactments Decision | Awaiting final decision |
| EU/Korea Free Trade Agreement Amending Decision 2015/2169 2010/0075(NLE) Subject 6.20.03 Bilateral economic and trade agreements and relations Geographical area South Korea | |

| Key players | | | |
|-------------------------------|---|--|------------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | <div>INTA</div> International Trade | RINZEMA Catharina (Renew) | 10/10/2022 |
| | | Shadow rapporteur WINZIG Angelika (EPP) SCHUSTER Joachim (S&D) RIPA Manuela (Greens /EFA) BRICMONT Saskia (Greens/EFA) HOOGEVEEN Michiel (ECR) SCHOLZ Helmut (The Left) | |
| Council of the European Union | | | |
| European Commission | Commission DG | Commissioner | |
| | Communications Networks, Content and Technology | BRETON Thierry | |

| Key events | | | |
|------------|-------|---------------|---------|
| Date | Event | Reference | Summary |
| | | COM(2022)0435 | Summary |

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| 02/09/2022 | Preparatory document |  | |
| 13/10/2022 | Legislative proposal published | 12600/2022 | Summary |
| 17/10/2022 | Committee referral announced in Parliament | | |
| 14/11/2022 | Vote in committee | | |
| 17/11/2022 | Committee report tabled for plenary, 1st reading/single reading | A9-0277/2022 | |
| 22/11/2022 | Decision by Parliament | T9-0399/2022 | Summary |
| 22/11/2022 | Results of vote in Parliament |  | |

| Technical information | |
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| Procedure reference | 2022/0257(NLE) |
| Procedure type | NLE - Non-legislative enactments |
| Procedure subtype | Consent by Parliament |
| Legislative instrument | Decision |
| Amendments and repeals | Amending Decision 2015/2169 2010/0075(NLE) |
| Legal basis | Treaty on the Functioning of the EU TFEU 218-p6a Treaty on the Functioning of the EU TFEU 167-p3 Treaty on the Functioning of the EU TFEU 207 Treaty on the Functioning of the EU TFEU 091 Treaty on the Functioning of the EU TFEU 100-p2 |
| Other legal basis | Rules of Procedure EP 165 |
| Stage reached in procedure | Awaiting final decision |
| Committee dossier | INTA/9/10031 |

Documentation gateway

European Parliament

| Document type | Committee | Reference | Date | Summary |
|---|-----------|------------------------------|------------|-------------------------|
| Committee draft report | | PE737.345 | 17/10/2022 | |
| Committee report tabled for plenary, 1st reading/single reading | | A9-0277/2022 | 17/11/2022 | |
| Text adopted by Parliament, 1st reading/single reading | | T9-0399/2022 | 22/11/2022 | Summary |

Council of the EU

| Document type | Reference | Date | Summary |
|----------------------|------------|------------|-------------------------|
| Legislative proposal | 12600/2022 | 13/10/2022 | Summary |

European Commission

| Document type | Reference | Date | Summary |
|---------------|-------------------------------|------|---------|
| | COM(2022)0435 | | |

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| Preparatory document |  | 02/09/2022 | Summary |
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EU/Korea Free Trade Agreement

2022/0257(NLE) - 02/09/2022 - Preparatory document

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.

BACKGROUND: 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 Free Trade Agreement between the European Union and its Member States and Korea, sets up 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.

The Protocol includes provisions on an entitlement to audiovisual coproductions to benefit from the respective schemes.

Pursuant to Article 5(8), point (b), of the Protocol, following the initial period of three years the entitlement will be 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.

In accordance with Article 3(1) of Decision (EU) 2015/2169, the Commission is to provide notice to 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), point (b), of the Protocol 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.

By judgement of 1 March 2022 in case Commission v Council, the Court of Justice decided that **the procedure established in Article 3(1) of Decision (EU) 2015/2169 does not comply with Article 218 TFEU** in so far as it requires the Council to vote by **unanimity**. The applicable voting rule for the adoption of decisions as those envisaged by Article 3(1) of Decision (EU) 2015/2169 had to be that laid down in Article 218(8), first subparagraph, TFEU, namely **qualified majority voting** in the Council.

CONTENT: therefore, the Commission calls for Decision (EU) 2015/2169 on the conclusion of the EU-Korea Free Trade Agreement to be amended so that the **requirement that the Council act by unanimity for the purpose of deciding on the continuation of the entitlement be deleted**.

In order to implement the judgement expeditiously, the proposed Decision should enter into force on the day of its adoption.

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.

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.