Basic information

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
INTA 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

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

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 European Union TFEU 167-p3 Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 091 Treaty on the Functioning of the European Union TFEU 100-p2 Treaty on the Functioning of the European Union TFEU 207
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		

Preparatory document		02/09/2022	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

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.