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Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union within the Committee on Cultural Cooperation set up by 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, as regards its establishment and the adoption of the rules of procedures of the Committee on Cultural Cooperation

EXPLANATORY MEMORANDUM

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 (hereinafter referred to as "Agreement") was signed on 6 October 2010, and it is provisionally applied as of 1 July 2011.

Article 3 of the Protocol on Cultural Cooperation ("the Protocol") foresees the creation of a Committee on Cultural Cooperation ("the Committee") and sets out the Committee's main tasks and functions. In the light of the need to swiftly initiate the implementation of the Protocol, the Committee is to be created and its Rules of Procedure are to be adopted at the Committee's first meeting. In accordance with Article 3.2 of the Protocol, the first such meeting shall take place within the first year of application of the Protocol.

The attached proposal constitutes the proposal for a legal instrument approving the position that the European Union will be taking in the Committee on the above mentioned issue.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 167(3) and the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission¹,

Whereas:

- (1) On 23 April 2007 the Council authorised the Commission to negotiate a Free Trade Agreement with the Republic of Korea on behalf of the European Union and its Member States.
- (2) These negotiations have been concluded and 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 Agreement")² was signed on 6 October 2010.
- (3) Pursuant to Article 15.10.5 of the Agreement, the Agreement has been provisionally applied since 1 July 2011 subject to its conclusion at a later date.
- (4) Article 3 of Agreement's Protocol on Cultural Cooperation ("the Protocol") provides for the creation of a Committee on Cultural Cooperation which shall, among its tasks, ensure that the Protocol operates properly.
- (5) The Union should determine the position to be taken as regards the creation of the Committee on Cultural Cooperation and the adoption of such Committee's Rules of Procedure,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union in the Committee on Cultural Cooperation as regards its establishment and the adoption of such Committee's Rules of Procedure shall be based on the draft decision of the Committee on Cultural Cooperation attached to this Decision.

Article 2

¹ OJ C xx, xx.xx.xxxx, p. x.

² OJ L 127, 14.5.2011, p.6

1. This Decision shall enter into force on the date of its adoption.
2. This decision shall be published in the Official Journal.

Done at Brussels,

For the Council
The President

ANNEX I
**DECISION No [...] OF THE EU-KOREA COMMITTEE ON
CULTURAL COOPERATION**

of [...]

**on the establishment and the adoption of the rules of procedure of the Committee
on Cultural Cooperation**

THE COMMITTEE ON CULTURAL COOPERATION,

Having regard to the Protocol on Cultural Cooperation ("the Protocol") 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 Agreement"), signed in Brussels on 6 October 2010, and in particular Article 3 thereof,

Whereas:

- (1) Article 3 of the Protocol foresees the establishment of a Committee on Cultural Cooperation.
- (2) The Committee on Cultural Cooperation may adopt its own rules of procedure and shall exercise all functions of the Trade Committee as regards the Protocol, in accordance with Article 3.3 of the Protocol of the Agreement,

HAS ADOPTED THIS DECISION:

1. The Committee on Cultural Cooperation is hereby established.
2. The rules of procedure of the Committee on Cultural Cooperation are established as set out in the Annex.
3. This Decision shall enter into force on ...

Done at ... on ...

For the Committee on Cultural Cooperation

First Vice Minister
Ministry for Culture, Sports and Tourism
of the Republic of Korea

XXX

[To be completed by Korean side]

Director-General of the Directorate General
for Education and Culture
European Commission
Jan TRUSZCZYŃSKI

Annex

RULES OF PROCEDURE OF THE COMMITTEE ON CULTURAL COOPERATION

Article 1

Composition and Chair

1. The Committee on Cultural Cooperation ("the Committee") foreseen in Article 3.1 of the Protocol on Cultural Cooperation ("the Protocol") 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 Agreement") shall perform its duties as provided in Article 3.3 of the Protocol and take responsibility for general implementation of the Protocol.
2. As provided for in Article 3.1 of the Protocol, the Committee shall be composed of the representatives of the EU Party, on the one hand, and representatives of Korea, on the other hand.
3. The Committee shall be co-chaired by the Director General for Content Policy Bureau of the Ministry of Culture, Sports and Tourism of Korea and the Director for Culture and Media of the Directorate-General for Education and Culture of the European Commission. The Chairpersons may arrange to be represented by respective designees.

Article 2

Representation

1. A Party shall notify the other Party of the list of its members of the Committee. The list shall be administered by the Secretariat of the Committee.
2. A member wishing to be represented by an alternate representative shall notify the Chairpersons of the Committee of the name of his or her alternate representative before the meeting at which he or she is to be so represented. The alternate representative of a member of the Committee shall exercise all the rights of that member.

Article 3

Meetings

1. The Committee shall meet at least once a year, and as necessary at the request of either Party. The meetings shall be held in Brussels or Seoul alternately, unless the Parties agree otherwise. If both Parties agree, the meetings of the Committee may be held by video or teleconference.
2. Each meeting of the Committee shall be convened by the Secretariat of the Committee at a date and place agreed by both Parties. The convening notice of the meeting shall be issued by the Secretariat of the Committee to the members of the Committee no later than 28 days prior to the start of the session, unless the Parties agree otherwise.

Article 4

Delegation

The members of the Committee may be accompanied by officials. Before each meeting, the Chairpersons of the Committee shall be informed of the intended composition of the delegations attending the meeting.

Article 5

Observers

The Committee may decide to invite observers and experts on an *ad hoc* basis.

Article 6

Secretariat

The contact points designated by the Parties shall jointly act as Secretariat of the Committee.

Article 7

Documents

Where the deliberations of the Committee are based on written supporting documents, such documents shall be numbered and circulated by the Secretariat of the Committee as documents of the Committee.

Article 8

Correspondence

1. Correspondence to the Chairpersons of the Committee shall be forwarded to the Secretariat of the Committee for circulation to the members of the Committee.
2. Correspondence from the Chairpersons of the Committee shall be sent to the recipients by the Secretariat of the Committee and be numbered and circulated, where appropriate, to the other members of the Committee.

Article 9

Agenda for the Meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Committee. It shall be forwarded, together with the relevant documents, to the members of the Committee as well as the Chairpersons of the Committee no later than 7 days before the beginning of the meeting.
2. The agenda shall be adopted by the Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
3. The Chairpersons of the Committee may, upon agreement, invite experts to attend its meetings in order to provide information on specific subjects.
4. The Chairpersons of the Committee may, upon agreement, reduce the time periods specified in paragraphs 1 in order to take account of the requirements of a particular case.

Article 10

Minutes

1. Draft minutes of each meeting shall be drawn up by the Secretariat of the Committee, normally within 21 days from the end of the meeting.
2. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
 - (a) the documents submitted to the Committee;
 - (b) any statement that a member of the Committee has asked to be entered; and
 - (c) the decisions adopted, recommendations made, statements agreed upon and conclusions adopted on specific items.
3. The minutes shall also include a list of members of the Committee or their alternate representatives who took part in the meeting, a list of the members of the delegations accompanying them and a list of any observers or experts to the meeting.
4. The minutes shall be approved in writing by both Parties within 28 days of the date of the meeting or by any other date agreed by the Parties. Once approved, two copies of the minutes shall be signed by the Secretariat of the Committee and each of the Parties shall receive one original copy of these authentic documents. Copies of the signed minutes shall be forwarded to the members of the Committee.

Article 11

Decisions and Recommendations

1. The Committee shall adopt decisions and recommendations¹ by agreement between the Parties. Such acts shall be entitled "Decision" or "Recommendation" respectively.
2. In the period between meetings, the Committee may adopt decisions or recommendations by written procedure if both Parties agree. The written procedure shall consist of an exchange of notes between the Chairpersons of the Committee.
3. The Secretariat of the Committee shall give any decision or recommendation a serial number, the date of adoption and a description of their subject-matter. Each decision shall provide for the date of its entry into force.
4. Decisions and recommendations adopted by the Committee shall be authenticated by two authentic copies signed by the Chairpersons of the Committee.

Article 12

Publicity and Confidentiality

1. Unless otherwise decided, the meetings of the Committee shall not be public.
2. When a Party submits information considered as confidential under its laws and regulations to the Committee, the other Party shall treat that information as confidential.

¹ The Committee shall, for the purpose of attaining the objective of the Protocol, have the power to take decisions in respect of all matters in the cases provided by the Protocol. The decisions taken shall be binding on the Parties, which shall take the measures necessary to implement the decisions taken. The Committee may also make appropriate recommendations.

3. Each Party may decide on the publication of the decisions and recommendations of the Committee in its respective official publication.

Article 13

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.