

Korea Motion Pictures Importation And Distribution Agreement

THE AMBASSADOR

WASHINGTON, D.C.

December 30, 1988

The Honorable Clayton Yeutter

United States Trade Representative

Office of the U.S. Trade Representative

600 Seventeenth Street, N.W.,

Washington, D.C. 20506

Dear Ambassador Yeutter:

Recently, representatives of the governments of the Republic of Korea (Korean government) and the United States of America (U.S. government) have consulted regarding importation and distribution of foreign motion pictures in Korea. As a result of these consultations, the Korean government has agreed to take the following measures:

I. Importation and Screening Process of Motion Pictures

A. Effective January 1, 1989, the Korean government will ensure that the Korean Performance Ethics Committee (PEC) will complete its pre-import screening review of foreign motion pictures no later than ten (10) days* after submission of the motion picture to the PEC for screening review.

*All references to the number of days include working days and Saturdays, but exclude Sundays and official government holidays.

B. The Korean government will ensure that the time taken for pre-import and the subtitled screenings by the PEC does not exceed a combined total of fourteen (14) days. The Ministry of Culture and Information (MCI) import approval procedures will not exceed seven (7) days so that the entire review process will not exceed twenty-one (21) days.

C. Effective January 1, 1990, the PEC censorship review process will consist of a single procedure, which requires submission of motion pictures subject to pre-import review with Korean subtitles thereon. This PEC review will take no longer than ten (10) days from submission of the foreign motion picture for review. An alternative procedure of taking the two step pre-import and subtitled screening within the duration of fourteen (14) days may also be utilized if any importer/distributor so chooses. In either case, the MCI import approval procedures may will take no longer than seven (7) days.

D. The requirement for an MCI recommendation for customs clearance of foreign motion pictures entering for pre-import screening review will be abolished as of January 1, 1989.

E. Effective January 1, 1989, distributors of foreign motion pictures will be entitled to have two (2) motion pictures pending at any time before the PEC for pre-import screening review. Once the PEC reaches a decision on pre-import screening review of an imported motion picture within the ten (or in the two step process fourteen) day period, the distributor of that motion picture will be entitled to submit another motion picture for pre-import

screening regime the number of imported motion pictures for which MCI import approval and/or the second PEC approval is sought shall not be limited

F. No additional importation or censorship approval procedures shall be required other than those specified in paragraph 5.A.1.rough C

II. Limitation on the Number of Prints

A. The Korean government shall increase the number of prints of each motion picture to be imported and distributed from 10 to 12 effective January 1, 1989, to 13 on January 1, 1990, to 14 on January 1, 1991, to 15 on January 1, 1992, and to 16 on January 1, 1993

B. The Korean government shall eliminate the limitation on the number of prints of motion pictures to be imported and distributed on January 1, 1994

III. Enforcement

The Korean government shall ensure that the above-mentioned measures be implemented in good faith and any violation of the laws and regulations regarding distribution

IV. Others

The Korean government shall adopt no other policies or measures which could create barriers to the market access and distribution of imported motion pictures

This reflects our mutual understanding of the measures to be taken by the Korean government with respect to the importation and distribution of foreign motion pictures in Korea

Sincerely,

Yong-Jin Park

THE UNITED STATES TRADE REPRESENTATIVE

Executive Office of the President

Washington, D.C. 20500

December 30, 1988

The Honorable Yong-Jin Park

Ambassador

Embassy of the Republic of Korea

2370 Massachusetts Avenue, NW

Washington, D.C. 20008

Dear Ambassador Park:

I am writing to acknowledge receipt of your letter dated December 30, 1988 and to confirm that its contents reflect the United States Government's understanding of the measures that the Government of the Republic of Korea has agreed to take. Your letter reads as follows:

Dear Ambassador Yeutter:

Recently, representatives of the governments of the Republic of Korea (Korean government) and the United States of America (U.S. government) have consulted regarding importation and distribution of foreign motion pictures in Korea. As a result of these consultations, the Korean government has agreed to take the following measures:

I. Import to create a Process of Motion Pictures

A. Effective July 1, 1989, the Government will ensure that the Performance Ethics Committee (PEC) will complete its pre-import screening review of foreign motion pictures no later than 10 days* after submission of the motion picture to the PEC for screening review.

*All references to the number of days include working days, but exclude Sundays and official Government holidays.

B. The Government will ensure that the timetable for pre-import the subtitle screenings by the PEC does not exceed a total of fourteen (14) days. The Ministry of Culture Information (MCI) import approval procedures will not exceed seven (7) days so that the entire review process will not exceed twenty-one (21) days.

C. Effective July 1, 1990, the PEC case for review process will consist of a single procedure, which requires submission of motion pictures subject to pre-import review with one subtitle thereon. This PEC review will take no longer than 10 days from submission of the foreign motion picture for review. After the procedure of taking the two-step pre-import subtitle screening with the duration of fourteen (14) days may also be utilized if the importer/submitter so chooses. Either case, the MCI import approval procedures will take no longer than seven (7) days.

D. The requirement for MCI recommendation for customs clearance of foreign motion pictures entering for pre-import screening review will be based on the provisions of July 1, 1989.

E. Effective July 1, 1989, submitters of foreign motion pictures will be entitled to have two (2) motion pictures pending a time before the PEC for pre-import screening review. Once the PEC reaches a decision on pre-import screening review of imported motion picture with the ten (or the two-step process fourteen) day period, the submitter of that motion picture will be entitled to submit another motion picture for pre-import screening review. The number of imported motion pictures for which MCI import approval or the second PEC approval is sought shall not be limited.

F. No total import to or case for approval procedures will be required other than those specified in paragraphs A through C.

II. Limit on the Number of Prints

A. The Government will create the number of prints of each motion picture to be imported: submit from 10 to 12 effective July 1, 1989, to 13 on July 1, 1990, to 14 on July 1, 1991, to 15 on July 1, 1992, to 16 on July 1, 1993.

B. The Government will eliminate the limit on the number of prints of motion pictures to be imported: submit on July 1, 1994.

III. Enforcement

The Government will ensure that the above-measures be implemented in good faith by voluntary of the laws, regulations, regulations, and rules of imported motion pictures are strictly in line with accordance with existing laws, including the Free Trade Act-Monopoly Act.

IV. Others

The Government will opt for other policies or measures which could create barriers to the market access of imported motion pictures.

This reflects our mutual understanding of the measures to be taken by the Government with respect to the import to submit of foreign motion pictures.

Sincerely,

To g-I Park" K

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Si erely,

Clay Yeu er

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