

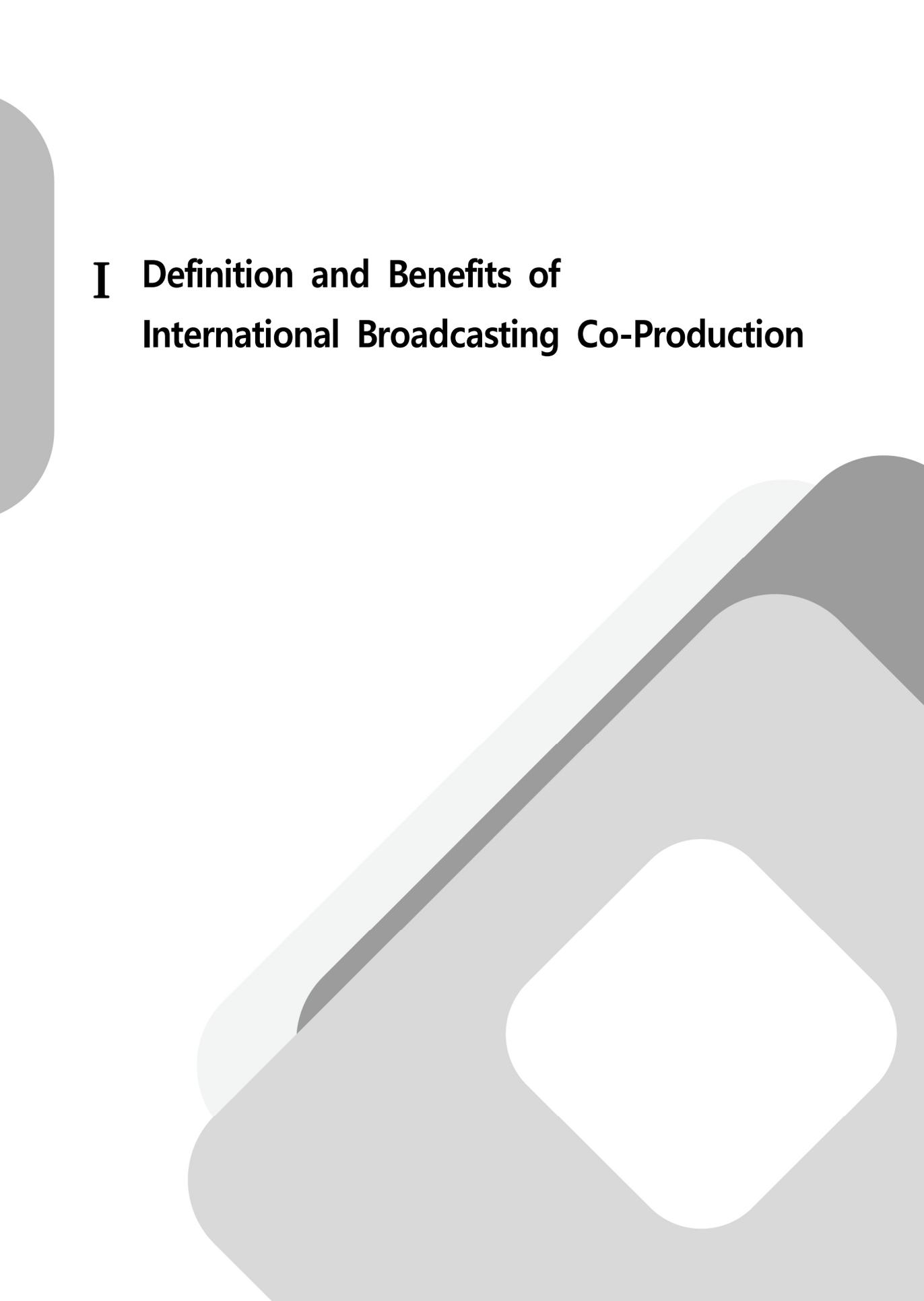


**Guidelines on  
Korea-Vietnam  
TV Program  
Co-production  
Agreement**

The purpose of this guidebook is to provide better understanding of the Agreement Between the Government of the Republic of Korea and the Government of the Socialist Republic of Viet Nam on the Co-production of Television Programs. Terms used in these guidelines may differ from legal terms of the agreement. This guidebook does not claim to be an official interpretation nor represent the view of the Korean government, and therefore accepts no legal responsibility from misinterpretation or misuse of the Agreement.

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# **I Definition and Benefits of International Broadcasting Co-Production**

## □ Definition and types of international broadcasting co-production

- International broadcasting co-production refers to a way of jointly producing a program by dividing up production costs and tasks, and thereby sharing or splitting the rights concerning the program
- As international broadcasting co-production generally belongs to the area of private contracts between individual parties of different nationalities, there is inadequate official · institutional mechanism to settle disputes
- International broadcasting co-production can largely be categorized into four types

|               |   |
|---------------|---|
| Pre-sale      | Selling broadcasting rights before completing production of program   |
| Co-financing  | One of the co-production parties leads production work, and the rest participate only in the finance and review process |
| Swapping      | Production work is divided among co-producers and swap their part of work afterward                                     |
| Co-production | Co-producers jointly participate not only in financing but also in scenario-writing, shooting and editing process.      |

※ Source: Yoon Jae-Sik et al. (2007), International co-production: Expanding global cultural exchange

## □ **Definition and current status of international broadcasting co-production agreement**

- An international broadcasting co-production agreement can complement the deficiencies of private contracts while allowing a co-produced audio-visual work to have access to markets of partner countries
- Further, it takes a form of an international agreement between governments which aims at granting official benefits such as recognizing them as domestic programs to co-production programs
- This type of broadcasting co-production is distinct from work of the private sector through contracts between private parties in that it is based on an official agreement between governments
- According to the general practice of international law, content stipulated in the international co-production agreement takes precedence over national law
- Unlike co-production between the private parties, co-production made under an international co-production agreement is entitled to various official benefits such as being recognized as a domestic program, government subsidies, tax exemption, facilitation of temporary entry, and tariff-free importation of equipment
- Especially in countries where market access to the content market is difficult due to regulatory barriers, the agreement can provide a way

to circumvent regulations such as import quota for foreign content and limitations on programming quota by recognizing co-production programs as domestic programs. Also, a inter-governmental consultative body can be established pursuant to the agreement to settle disputes

- As of March 2020, Korea has signed television program/audiovisual co-production agreement with eight countries/regional communities (EFTA<sup>1</sup>), Singapore, Cambodia, EU<sup>2</sup>), Australia, New Zealand, India and Vietnam)

<Partner Countries and Effective Date>

| Country | EFTA   | Singapore | Cambodia | EU     | Australia | India  | New Zealand | Vietnam |
|---------|--------|-----------|----------|--------|-----------|--------|-------------|---------|
| Date    | '06.9. | '09.5.    | '09.10.  | '11.7. | '14.12.   | '15.9. | '15.12.     | '19.8.  |

1) 4 EFTA countries: Switzerland, Norway, Iceland, Liechtenstein

2) 28 EU countries: Austria, Belgium, the United Kingdom, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Bulgaria, Romania, Croatia

## □ **Benefits of the international broadcasting co-production agreement**

- Economic benefits of co-financing that leads to cost distribution
  - Can ease financial burden by stipulating that co-producers share production cost
- Substantive expansion of the market and acquisition of information on overseas markets
  - By enabling distribution to overseas markets, the agreement can spur revenue growth and help realization of economy of scale, while providing opportunities to obtain intangible assets such as information and knowledge about the market situation, broadcasting production and distribution system in the partner country, as well as establish local networks
- Increased possibilities of successful access into a third country
  - Co-produce programs with the participating country by combining areas where each has a competitive edge in terms of language, culture, and cast members, and jointly make inroads into foreign markets known to be difficult to navigate independently
- Being entitled to supportive measures granted to domestic programs of the relevant country
  - Once co-production programs are recognized as domestic programs in accordance with the agreement, they are eligible to access various

benefits from both governments such as production fund and tax exemption.

- Strengthening international cooperation and nurturing global perspectives
  - Co-production and co-broadcasting provide an opportunity to acknowledge cultural difference between the two countries and increase mutual understanding, while contributing to nurturing global perspectives on production and distribution for the broadcasting industry. It can also contribute to developing cultural empathy when conducted between countries that already share cultural similarities
  
- Contributing to the globalization of domestic cultural products
  - International co-production could become a means to enhance the visual production program reflecting the culture of a specific country or ethnic group to world-class cultural products
  
- Using institutional mechanism at the government level for dispute settlement
  - As a joint committee, the inter-governmental consultative body can provide a venue to discuss disputes such as copyrights and revenue distribution that can occur in the process of co-production, and to seek official solutions

- Other benefits

- When the co-production program contains international elements, topics, places, and foreign cast members, the production costs for overseas location can be reduced under the co-production agreement which provides expedited entry for foreign staffs as well as shooting equipment



## **II Conclusion of Korea-Vietnam TV Program Co-production Agreement**



## □ Conclusion of Korea-Vietnam TV Program Co-production Agreement

- Korea and Vietnam are major trading partners to each other and Vietnam has become Korea's third-largest trade partner in 2018. For the broadcasting sector, the value of terrestrial TV and program provider (PP) program exports to Vietnam ranked the 6th and the 10th respectively
- With an aim to strengthen exchanges & cooperation and to promote mutual development for the broadcasting sector between the two countries, the Korea Communications Commission (KCC) of the Republic of Korea and the Ministry of Information and Communications (MIC) of the Socialist Republic of Vietnam signed the "Agreement Between the Government of the Republic of Korea and the Government of the Socialist Republic of Viet Nam on the Co-production of Television Programs ("Korea-Vietnam TV Program Co-production Agreement")" on March 26, 2019 on pursuant to Article 27 of the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations
- "Korea-Vietnam TV Program Co-Production Agreement" aims to contribute to the development of the broadcasting industry of both countries by co-producing high-quality content combining Vietnam's rich natural · cultural resources and growth potential of its broadcasting market with Korea's leading technologies and know-how

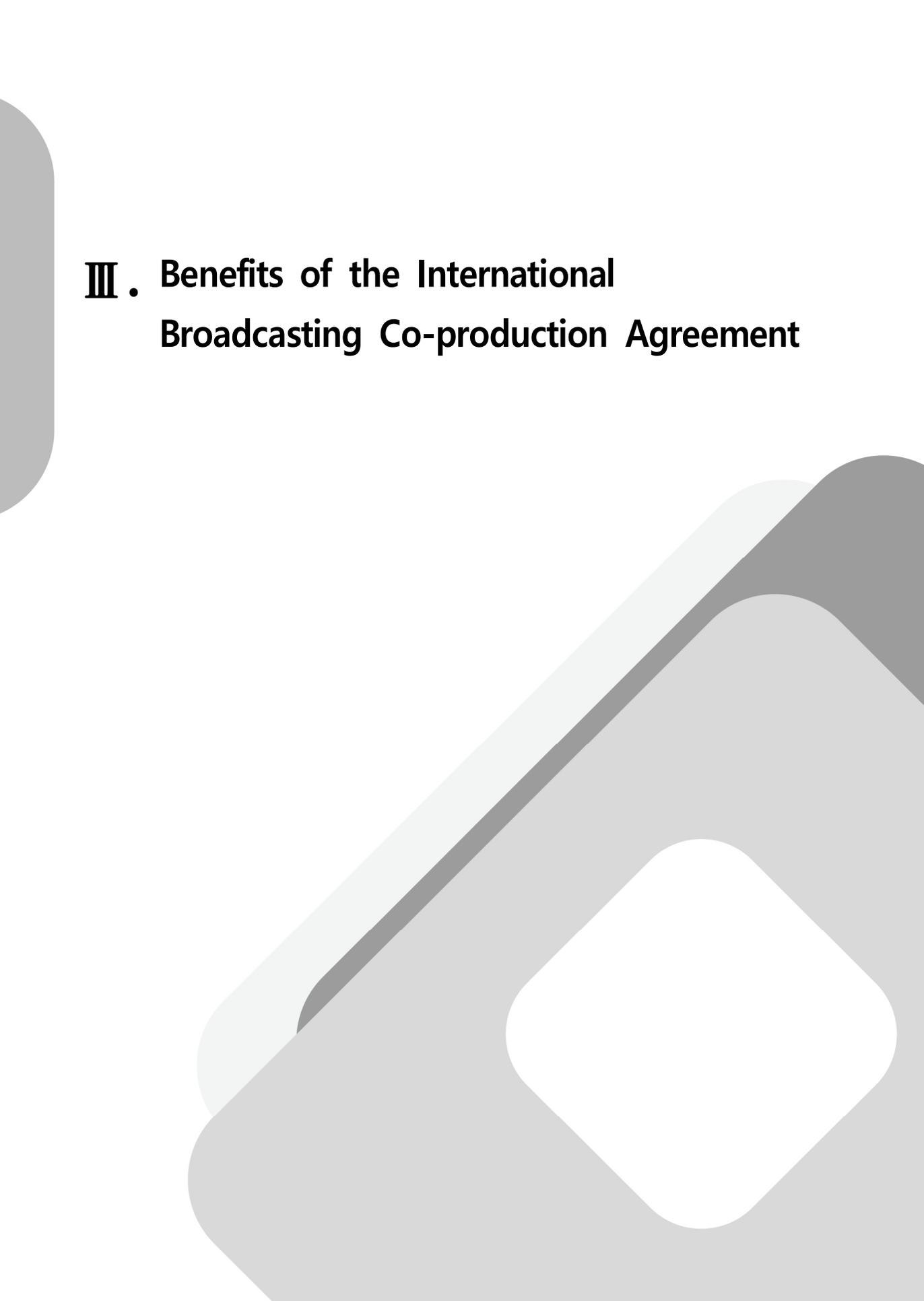
- Based on the Korea-Vietnam TV Program Co-production Agreement, the co-production programs either invested by Korean operators or participated by Korean personnel shall be recognized as domestic programs in Vietnam, which enables the programs to be broadcast in Vietnam without being regulated under the programming quota for non-domestic programs imposed by the Vietnamese authorities
- A joint committee participated by high-level government officials, broadcasters and other relevant parties will be established according to the Agreement to facilitate bilateral exchanges of broadcasting content and cooperation between the two countries while contributing to resolving disputes that may occur in the process of co-production

○ Dates of key negotiations

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|           |   |
|-----------|---|
| Jan. 2016 | Agreed to operate a study group on co-production between Korea-Vietnam (Hanoi)  |
| May. 2016 | Signed an MOU between the KCC and the MIC and held the 1st meeting of the Director General(DG)-level consultative body (Gwacheon) |
| Jul. 2016 | 2nd meeting of the DG-level consultative body (Hanoi)   |
| Dec. 2016 | 3rd meeting of the DG-level consultative body (Seoul)   |
| Jun. 2017 | 4th meeting of the DG-level consultative body (Hanoi)   |
| Apr. 2018 | 5th meeting of the DG-level consultative body and DGs initialled the agreement (Seoul)  |
| Feb. 2019 | Korea-Vietnam TV Program Co-production Agreement was signed, passed the National Assembly and was approved by the President       |
| Mar. 2019 | A certificate of full powers on the signing of the Korea-Vietnam TV Program Co-production Agreement was issued                    |
| Mar. 2019 | Korea-Vietnam TV Program Co-production Agreement was signed (Hanoi)   |
| Apr. 2019 | Korean domestic process for the entry into force of the Korea-Vietnam TV Program Co-production Agreement was completed            |
| Jun. 2019 | 6th meeting of the DG-level consultative body (Seoul)   |
| Aug. 2019 | Korea-Vietnam TV Program Co-production Agreement took effect and was published in the official gazette                            |

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### **III . Benefits of the International Broadcasting Co-production Agreement**

## □ **Benefits of the international broadcasting co-production agreement**

- Being recognized as domestic programs and entitled for support
  - The co-production programs approved by the competent authorities of both countries under the co-production agreement can be recognized as domestic programs
  - Once the co-production programs are recognized as domestic programs, they are eligible for any support and benefits provided to domestic programs of both countries and can circumvent regulations for non-domestic programs of the partner country
- Facilitate entry, travel and stay for production, utilization, and promotion purposes
  - Under the co-production agreement, entering, traveling and staying in the partner country for the purpose of producing, utilizing and promoting co-production programs can be made easier by, for example, simplifying the visa application process
- Duty-free entry of the goods related to the production and promotion of the co-production program
  - Under the co-production agreement, temporary entry of goods for producing and promoting co-productions can be exempted from import duties and taxes

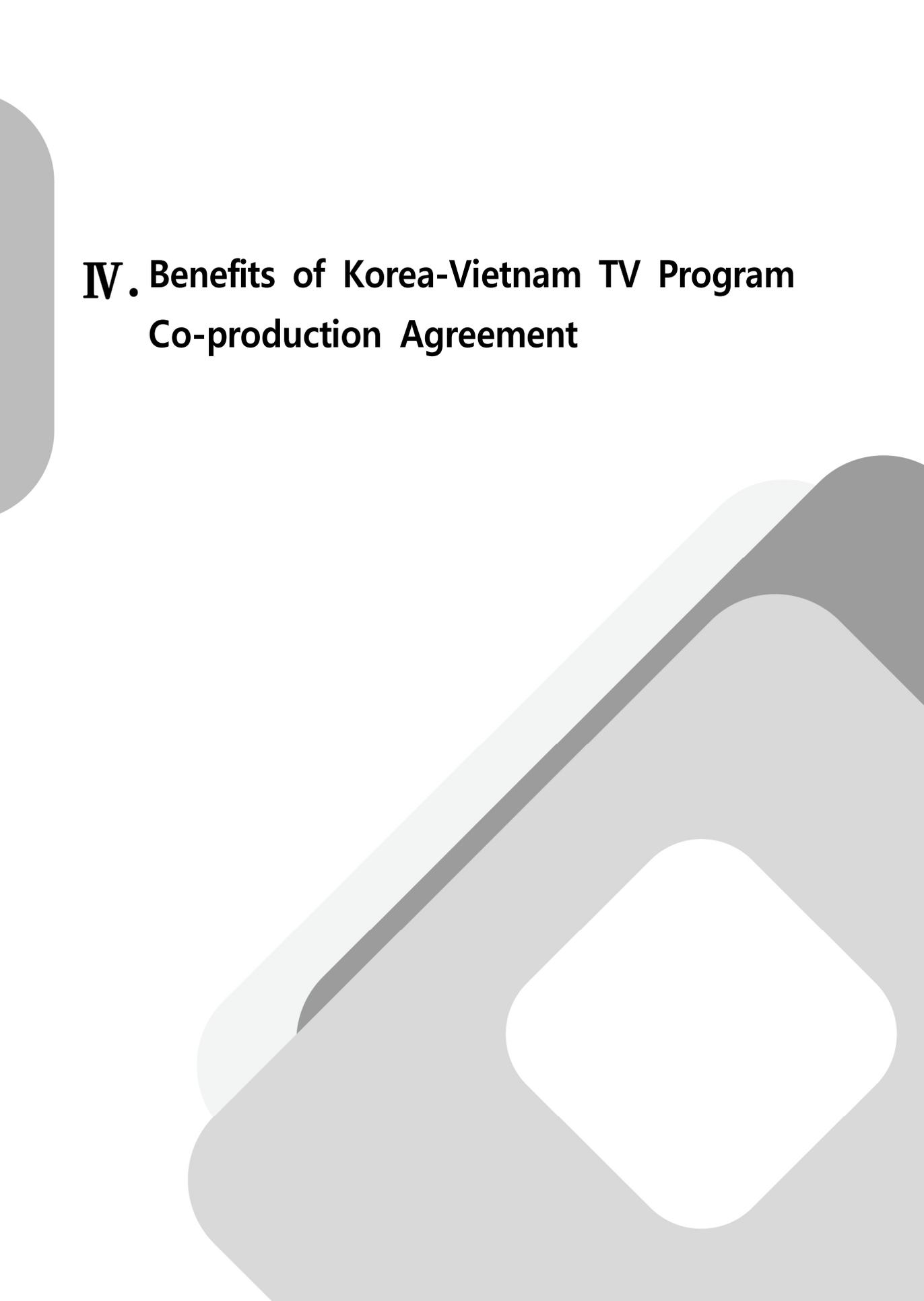
- Co-ownership of copyright and credits
  - The copyright of a co-production program shall be shared between the co-producers, and the division of revenue sharing between the co-producers shall be negotiated by the co-producers themselves considering their respective financial and creative contributions
- An inter-governmental consultative body can be used in case of disputes
  - The two countries may establish and operate a consultative body consisting of high-level officials from relevant ministries of both governments, to supervise the implementation of the agreement and discuss ways to resolve disputes regarding the interpretation and application of the agreement

## □ **Application for recognition as domestic programs under the broadcasting co-production agreement**

- In order to be recognized as a domestic program, it should obtain approvals from the respective competent authority before launching (prior approval) and after completing the production process (final approval)
  - Signing a co-production agreement with a specific country does not automatically guarantee domestic production status to all broadcasting programs that are co-produced under the agreement
  
- In order to be recognized as a domestic program, it should obtain approvals from the respective competent authority before launching (prior approval) and after completing the production process (final approval)
  - It is up to a business operator to decide whether to obtain domestic production status through the approval process
  
- In order to obtain prior approval, the Korean co-producer and their counterpart should submit an application to the Korea Communications Commission (KCC) and their competent authorities respectively before initiating shooting to receive written notification for approval
  - In the case of Korea, once the Korean co-producer submit Annex 2 of <Notice on the Programming of Broadcast Programs, Etc>, <Application Form for Prior Authorization of Domestic Production under the Intergovernmental Co-Production Agreement>, with other required documents stipulated in Annex 2 to the KCC, the KCC decides the

approval within 90 days and notify in writing (The review period for approval may vary depending on the content of the agreement)

- Benefits under the International co-production agreement such as convenient entry and visa issuance, duty-free imports of goods related to production, and co-production support can be provided when prior approval is given
- For post-approval, the Korean co-producer and their counterpart should submit an application to the KCC and their competent authorities respectively upon completion of the production and receive a written notification
- Once the Korean co-producer submit Annex 3 of <Notice on the Programming of Broadcast Programs, Etc>, <Application Form for Post approval for Domestic Production under Intergovernmental Co-production Agreement>, with other required documents stipulated in Annex 3 to the KCC, the KCC decides the approval within 90 days and notify in writing (The review period for approval may vary depending on the content of the agreement)



## **IV. Benefits of Korea-Vietnam TV Program Co-production Agreement**

## □ **Benefits of Korea-Vietnam TV Program Co-production Agreement**

- Be recognized as domestic programs and entitled to support (Article 3)
  - (Entitlement to Benefits) All co-production programs approved by KCC pursuant to the Co-production Agreement are entitled to benefits such as financial support and recognition as domestic programs

**Article 3  
Entitlement to Benefits**

All co-production television programs approved by the competent authorities of the Parties in accordance with this Agreement shall be fully entitled to all the benefits, such as government financial support and recognition as domestic programs, as prescribed in each Party's laws and regulations, subject to each Party's financial resources.

- Permission for entry, travel, reside for the purpose of making, utilization and promotion (Article 6)
  - (Entry) Both countries should allow entry, travel, and residence of individuals from the partner country whose purposes are to make, utilize, and promote co-productions in accordance with the laws and regulations of each country

**Article 6  
Entry**

In accordance with the laws, regulations and procedures of each Party, each Party shall permit nationals of the other Party to travel to, enter and remain in its territory, as the case may be, for the purposes of making, utilizing and promoting a co-production television program.

- Duty-free entry of goods related to production (Article 7)
  - (Exemption of import duties and taxes) Import duties and taxes are not imposed on temporarily imported goods for co-production in accordance with the Korea-Vietnam FTA and laws and regulations of both countries

**Article 7**  
**Exemption from Import Duties and Taxes**

Exemption from import duties and taxes of temporary admission of goods for the making of the co-production television program shall be pursuant to Article 2.5 of the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Socialist Republic of Viet Nam and in accordance with the laws, regulations and procedures of each Party.

- Co-ownership of copyright (Article 8)
  - (Copyright and revenue distribution) The copyright of co-production programs shall be shared among co-producers, and the distribution of revenue will be negotiated by the co-producer directly after considering their financial and creative contribution

**Article 8**  
**Copyright, Revenue Division and Credits**

1. The copyright of a co-production television program shall be shared and decided between the co-producers.
2. The terms and conditions concerning the division of distribution regions and revenue sharing between the co-producers shall be negotiated by the co-producers themselves considering their financial and creative contributions.
3. A co-production television program shall include a credit title indicating that the co-production television program is either a "Korea - Viet Nam Co-Production" or a "Viet Nam - Korea Co-Production".

- Availability of government-level consultation in case of disputes (Article 9·Article 10)
- (Joint committee) The joint committee can discuss issues related to supervision of the implementation, interpretation, and application of the Agreement so that the two countries can have a substantive relationship as strategic partners
- The joint committee discusses key issues between the two countries regarding co-production to provide practical protection
- The joint committee can discuss "all issues" regarding the agreement (Article 9), play a role as a consultative body to resolve disputes (Article 10)

**Article 9**  
**Institutional Mechanisms**

1. Each Party hereby designates the following competent authorities for the purposes of implementing this Agreement:
  - (a) for Korea, the Korea Communications Commission or its successors; and
  - (b) for Viet Nam, the Ministry of Information and Communications or its successors.
2. The designated authorities of a Party may request the establishment of a Joint Committee to discuss any matter related to this Agreement, and the other Party shall give due consideration to the request. If established, the Joint Committee shall comprise appropriate senior officials from relevant ministries and agencies of each Party. The Joint Committee shall discuss matters related to this Agreement at times and places agreed to by the Parties.
3. After signing this Agreement, both Parties shall issue application and approval procedures for co-production television programs, subject to each Party's laws and regulations.

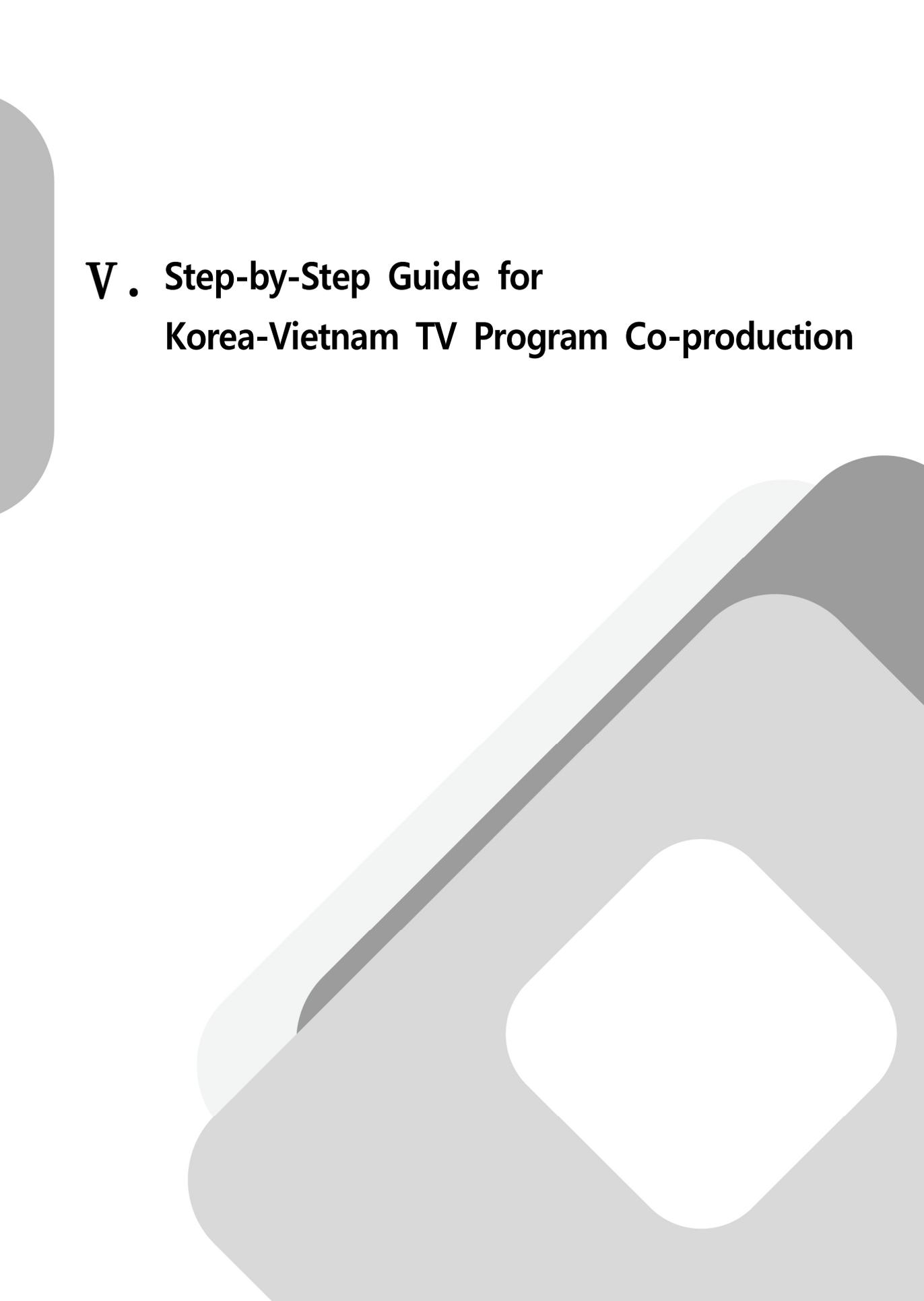
**Article 10**  
**Dispute Settlement**

1. Either Party may request consultations with the other Party regarding any matters related to the interpretation or implementation of this Agreement by delivering a written request to the competent authority of that other Party. Consultations shall commence promptly after a Party delivers the request to the competent authority of the other Party. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter.
  
  2. Article 29 of the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations\*, shall not apply to any matter or dispute arising under this Agreement. Any dispute arising out of the interpretation, implementation or application of any of the provisions of this Agreement shall be settled amicably through mutual discussions and dialogue between the Parties.
- ※ For greater certainty, dispute settlement mechanisms are stipulated under the Agreement on Dispute Settlement Mechanism under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations.

## □ Requirements for approval for co-production TV program in the Korea-Vietnam Agreement

| Classification                         | Requirements in the Agreement   | Screening measure  |
|--|---|--|
| Genre<br>(Article 1)                   | TV program such as drama, animation, entertainment program, or documentary program<br>(Except for movies) | <ul style="list-style-type: none"> <li>○ TV programs provided online are included</li> <li>○ The scope of co-production can be expanded by agreement between the Parties</li> </ul>  |
| Approval<br>(Article 2)                | Prior approval  | <ul style="list-style-type: none"> <li>○ Submit an application for the co-production program before initiating the production (Application Form for Prior Authorization of Domestic Production under the Intergovernmental Co-Production Agreement)</li> </ul>   |
|  | Final approval  | <ul style="list-style-type: none"> <li>○ Submit an application for final approval after completing the co-production program (Application Form for Post approval for Domestic Production under Intergovernmental Co-production Agreement)</li> </ul>   |
| Contribution<br>(Article 1, Article 4) | Financial contribution  | <ul style="list-style-type: none"> <li>○ Expenditure of production costs including in-kind contribution</li> <li>○ 10% or more of the total financial contribution is required, and the proportion of which shall be decided through an agreement between the co-producers</li> </ul>                  |
|  | Creative contribution   | <ul style="list-style-type: none"> <li>○ (Creative contribution) performing, technical, planning, and craft contributions</li> <li>○ 10% or more of the total creative contribution is required, and the proportion of which shall be decided through an agreement between the co-producers</li> </ul> |
| Co-producer<br>(Article 1)             | Co-producers are either nationals or juridical persons of the participating Parties                       | <ul style="list-style-type: none"> <li>○ Nationals or juridical person of both Parties (including government-owned entities)</li> <li>○ The term "national" does not include permanent residents</li> </ul>  |
| Participation<br>(Article 5)           | Persons participating in a co-production program are  | <ul style="list-style-type: none"> <li>○ (Exception) Actors, technical personnel, music composers and other production personnel from other countries can participate</li> </ul>   |

| Classification                             | Requirements in the Agreement  | Screening measure   |
|--|--|---|
|  | nationals of the Parties   | - Co-producers of both Parties are responsible for their participation  |
| Copyright and Revenue Division (Article 8) | Copyright  | ◦ Decided between the co-producers  |
|  | Division of distribution regions and revenue                             | ◦ Negotiations with the consideration of financial and creative contribution of the co-producers              |
| Credits (Article 8)                        | A credit title indicating that official co-production should be included | ◦ The co-production television program shall include a credit which reflects the participation of the Parties |



## **V . Step-by-Step Guide for Korea-Vietnam TV Program Co-production**

## □ Preparation for entry to Vietnam

- (Visa) Visa issuance for Korean nationals to enter Vietnam Please refer to the website of the Ministry of Government Legislation <sup>3)</sup>
  - In order to enter foreign countries, you need to take a passport and visit an embassy or consulate of a country that you want to visit to have your visa issued according to the purpose of your visit (only when visa issuance is required)
  - Since Vietnam signed a visa waiver program with Korea, Korean passport holders can enter the country for up to 15 days without a visa. However, if you visit the country for business purposes such as co-production, you need to apply for a visa in advance<sup>4)</sup>
- (Entry of equipment) Temporary duty-free entry of broadcasting equipment is possible to countries where A.T.A. Carnet (「Customs Convention on the A.T.A. Carnet for Temporary Admission of Goods」, hereinafter referred to as "Carnet"; international customs document that permits duty-free and tax-free temporary importation of goods) is in force, but Vietnam is not a member of the Carnet system
  - Although the Carnet is not in force in Vietnam, temporary duty-free entry of shooting equipment is allowed to Vietnam pursuant to Article 2.5 of the Korea-Vietnam FTA. Shooting equipment taken out of Korea is eligible for exemption from customs duties for re-import when it is brought back to Korea

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3) Please refer to the website of the Ministry of Government Legislation "Easy to find practical law", <https://www.easylaw.go.kr/CSP/CnpClisMain.laf?popMenu=ov&csmSeq=548&ccfNo=2&cciNo=1&cnpClisNo=1>

4) Please refer to the website of the Vietnamese Embassy in Korea, <https://vietnamembassy-seoul.org>

< Korea-Vietnam FTA Article 2.5(Temporary Admission of Goods) >

1. Each Party shall grant duty free temporary admission for the following goods imported into the customs territory of a Party for specific purposes and intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the usage made of them, and meeting all the requirements of this Article, regardless of their origin:
  - (a) professional equipment, including equipment for the press or television, software, and broadcasting and cinematographic equipment, necessary for carrying out the business activity or profession of a person who qualifies for temporary entry pursuant to the laws of the importing Party;

※ Please refer to Korea-Vietnam FTA(<http://fta.go.kr>)

< Carnet >

- The acronym A.T.A. is a combination of French and English terms "Admission Temporaire/Temporary Admission," Carnet is a French word meaning tickets(certificate), and refers to a customs document that allows the temporary duty-free importation of goods
- The Carnet system is the customs convention for the temporary admission of goods adopted by the Customs Cooperation Council, GATT members, and representative of the UNESCO to facilitate international trade and cultural exchanges. The system has 78 member countries as of November 2019<sup>5)</sup>
- ATA Carnet is often referred to as the "Temporary import customs document," "Temporary customs-free entry," or "Passport for goods" since the system makes the customs process easy and convenient without complicated steps. A Carnet can be issued at 4 Chambers of Commerce&Industries (Seoul, Busan, Daegu, and Anyang) as well as from the online Trade Certification Service Center of Korea Chamber of Commerce&Industry (<http://cert.korcham.net/base>)

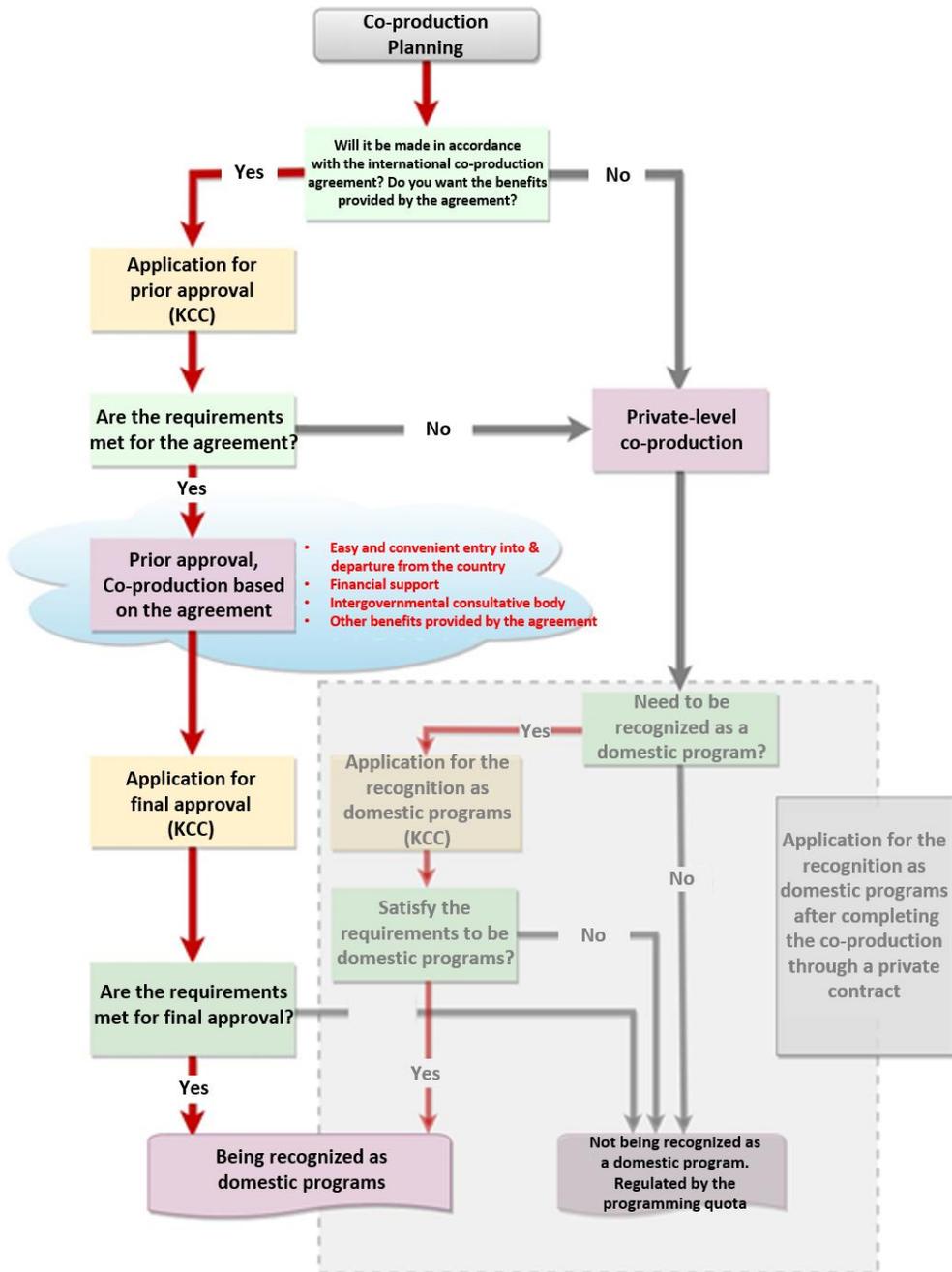


## □ Application process for the Korea-Vietnam co-production

- (Overview) During the planning process of a co-production, a decision will be made on whether it needs to be recognized as a domestic program based on 「Korea-Vietnam TV Program Co-production Agreement」. If so, steps should be taken to obtain prior approval before initiating production. Final approval can be obtained after completing production
  - If prior approval is granted as a co-production program under the Korea-Vietnam TV Program Co-production Agreement, benefits including various support programs and convenient entry into and departure from the country are given in the process of production
  - Once final approval is granted by the competent authorities after completing production, the co-production program will be recognized as a domestic program in both countries and is not subject to programming quota regulation aimed at foreign programs
  - For co-production programs made under the international co-production agreement, requirements for the recognition as domestic program are lower than those applied to co-production programs that are not based on the agreement
- (Approval) If a decision is made to make a co-production program based on the 「Korea-Vietnam TV Program Co-production Agreement」, approval should be obtained before and after the production from the respective competent authorities

- Co-producers of both countries shall request for an approval to the competent authorities of their respective countries
- The Korean co-producer should make applications for prior and final approvals by KCC. Please refer to Annex 2, 3 of 「Notice on the Programming of Broadcast Programs, Etc.」 for the application forms
- Prior and final approvals from the Ministry of Information and Communications (MIC) of Vietnam shall be obtained by the Vietnamese producer and the Korean producer is not required to make applications to the MIC

<Application process for co-production approval and recognition as a domestic program>



## □ Support Funding Program

- (Production Cost Support) In the case of co-producing programs with Vietnam, they are eligible to apply for funds allocated for "Implementation of Broadcasting Communications Cooperation Agreement" category of "Production support for broadcasting programs" managed by Korea Communications Agency(KCA)
  - The funds allocated for "Implementation of Broadcasting Communications Cooperation Agreement" support co-production programs between the signatories' nationals (and juridical persons) to enhance exchange and cooperation in the broadcasting sector
  
- (Tax benefits) Domestic production companies are entitled to tax credit when fulfilling the conditions of the 「Restriction of Special Taxation Act」
  - (Tax credit percentage) 3% of production costs of video content (10% for SMEs, 7% for middle-standing enterprise) ( 「Restriction of Special Taxation Act」 Paragraph 1 of Article 25-6)
  - (Applicable content) Broadcast programs defined in subparagraph 17 of Article 2 of the Broadcasting Act; Drama, animation, documentary and other entertainment programs that have been televised pursuant to subparagraph 3 of Article 2 ( 「Restriction of Special Taxation Act」 Subparagraph 1 of Paragraph 1 of Article 25-6)

<Article 25-6 of the Restriction of Special Taxation Act

(Tax credit for production costs of video content)>

- ① Where a national prescribed by Presidential Decree has any cost prescribed by Presidential Decree (hereafter in this Article, referred to as "production costs of video content") incurred in producing any of the following broadcast programs or motion pictures prescribed by Presidential Decree (hereafter in this Article, referred to as "video content"), in the Republic of Korea, by not later than December 31, 2019, the national is entitled to deduct the equivalent to 3/100 of the production costs of video content (or 7/100 in cases of a middle-standing enterprise prescribed by Presidential Decree; and 10/100 in cases of a small or medium enterprise), from income tax (limited to income tax on business income) or corporate tax, for the taxable year in which the video content first broadcasts or premieres in a cinema, as prescribed by Presidential Decree:
  1. Broadcast programs defined in subparagraph 17 of Article 2 of the Broadcasting Act; Drama, animation, documentary and other entertainment programs that have been televised pursuant to subparagraph 3 of Article 2
  2. Motion pictures defined in subparagraph 1 of Article 2 of the Promotion of the Motion Pictures and Video Products Act.
- ② Any national who intends to be granted a tax credit pursuant to paragraph (1), shall file an application therefor, as prescribed by Presidential Decree.
- ③ For the purposes of paragraph (1), the scope of video content; methods for calculating production costs; and other necessary matters, shall be prescribed by Presidential Decree.

## ❑ **Government-level consultation in case of disputes**

- Since a joint committee will be established pursuant to the Korea-Vietnam TV Program Co-production Agreement, Korean producers can send an inquiry to KCC when problems arise related to the implementation, interpretation and application of the Agreement, and KCC can discuss the matter with MIC

## ❑ **Others**

- Korea-Vietnam co-production programs can apply for the Best Broadcasting Co-production Program Award hosted by KCC
  - Winners are awarded at an event hosted by KCC such as the International Broadcasting Co-production Conference (IBCC)



## **[Appendix 1]**

**Legislations regarding the recognition of  
International broadcasting co-productions as  
domestic programs**



- Article 71 of <Broadcasting Act>, Article 57 of <Enforcement Decree of the Broadcasting Act> and <Notice on the Programming of Broadcast Programs, Etc.> specify two standards and procedures for co-productions to be recognized as a domestic program
- According to Article 5 of <Notice on the Programming of Broadcast Programs, Etc.>, (1) productions that meet the standard prescribed by the Notice shall be recognized as domestic programs after the screening process, (2) co-productions made under the co-production agreement can also be recognized as domestic programs
- However, not all co-productions are required to be recognized as domestic programs. If necessary for programming or other business purposes, the operator can submit an application in accordance with the procedures prescribed in Article 5 of <Notice on the Programming of Broadcast Programs, Etc.>

◆ **Broadcasting Act**

**Article 71 (Programming of Domestic Broadcast Programs)**

- ① A broadcasting business entity shall program, among the total programs of the relevant channel, domestically-produced broadcast programs in excess of the specified ratio, as prescribed by Presidential Decree.
- ② A broadcasting business entity shall program, among the annually-aired motion pictures, animations and popular music, domestically-produced motion pictures, animations and popular music in excess of the specified ratio, as prescribed by Presidential Decree.
- ③ (skip)
- ④ In order to secure diversity in the reception of international cultures, every broadcasting business entity shall program the motion pictures, animations and popular music produced in one country not to exceed the specified ratio, among the annually-aired motion pictures, animations and popular music that are imported from foreign countries, as prescribed by Presidential Decree.
- ⑤ (skip)
- ⑥ Criteria for determining whether a broadcasting program, etc. is domestically produced pursuant to paragraphs ① through ④ shall be prescribed by Presidential Decree, and the programming ratio thereof may be set differently in consideration of the characteristics, etc. of each broadcasting media and broadcasting field.

◆ **Enforcement Decree Of The Broadcasting Act**

**Article 57 (Programming of Domestically-Produced Broadcast Programs)**

- ① Pursuant to Article 71 ① of the Act, a broadcasting business entity shall broadcast domestically-produced broadcast programs in excess of the ratio publicly announced by the Korea Communications Commission, within the following limits:
  1. Terrestrial broadcasting business entities and terrestrial broadcasting programming providers: From 60 up to 80 percent of the total broadcasting hours of the relevant channel for every

- half year;
2. CATV broadcasting business entities and satellite broadcasting business entities: From 40 up to 70 percent of the total broadcasting hours of the relevant channel for every half year;
  3. Programming providers, other than terrestrial broadcasting programming providers: From 20 up to 50 percent of the total half-year broadcasting hours of the relevant channel for every half year.
- ② Pursuant to Article 71 ② of the Act, every broadcasting business entity shall program domestically-produced movies, animations and popular music among annually broadcast movies, animations and popular music in excess of the ratio publicly announced by the Korea Communications Commission within the following limits: Provided, That a broadcasting business entity engaged in specialized programming concerning religions or education shall program domestically-produced movies or animations in excess of the ratio publicly announced by the Korea Communications Commission, within the limit of 40 percent of the total annual broadcasting hours of movies or the total annual broadcasting hours of animations of the relevant channel:
1. Movies: From 20 up to 40 percent of the total movie broadcasting hours of the relevant channel;
  2. Animations: From 30 up to 50 percent of the total animation broadcasting hours of the relevant channel;
  3. Popular music: From 50 up to 80 percent the total popular music broadcasting hours of the relevant channel.
- ③ (skip)
- ④ (skip)
- ⑤ Pursuant to Article 71 ④ of the Act, a broadcasting business entity shall program movies, animations and popular music produced by a certain country among movies, animations and popular music imported from foreign countries, not more than the ratio publicly announced by the Korea Communications Commission, within the limit of 80 percent of the total broadcasting hours of imported movies, animations and popular music of the relevant channel for every half year.
- ⑥ (skip)

- ⑦ Standards for classification into domestically-produced broadcast programs referred to in paragraph ①, domestically-produced movies, animations and popular music referred to in paragraph ② and imported movies, animations and popular music referred to in paragraph ⑤ shall be prescribed and publicly announced by the Korea Communications Commission in consideration of the planning and production types of the relevant broadcast programs, the organization of planning and production personnel, and financial resources invested in production, etc.

◆ **Notice on the Programming of Broadcast Programs, Etc.**

**Article 3 (Programming Ratios of Domestically Produced Broadcast Programs)**

- ① Broadcasting business entities should schedule the airing of domestically produced broadcast programs in compliance with the following ratios.
1. Terrestrial broadcasting business entities
    - A. Specialized broadcasting service providers: 60% or more of the broadcasting hours for televised programs or radio programs for each half-year for each channel
    - B. General broadcasting service providers: 80% or more of the broadcasting hours for televised programs or radio programs for each half-year for the channel concerned
  2. System operators and satellite broadcasting providers: 50% or more of the broadcasting hours for televised programs or radio programs for each half-year for each channel
  3. Program providers: 40% or more of the broadcasting hours for televised programs or radio programs for each half-year for each channel
  4. Terrestrial mobile multimedia broadcasting service providers and terrestrial program providers: 60% or more of the broadcasting hours for each half-year for each channel

◆ **Notice on the Programming of Broadcast Programs, Etc.**

**Article 5 (Criteria and Procedures for Recognition of Domestically Produced Broadcast Programs)**

- ① A domestically produced broadcast program stated in Article 3 ① must fulfill any of the following.
1. 30% or more of the financial resources used for the production of the program must have been provided by Korean citizens (including corporate bodies established pursuant to domestic laws and owned by Korean citizens with 50% or more in stocks or shares) and the criteria specified in Annexed Chart 1 must be met.
  2. If jointly planned and/or produced with entities of other nationalities, the program must have gained recognition as a domestically produced program in compliance with the co-production agreement between the government of the Republic of Korea and the government of the country of the entities mentioned herein.
- ② Those who seek recognition as a domestically produced broadcast program pursuant to Subparagraph 1 of Paragraph 1 must attach all of the following documents to the Application form for Recognition as a Domestically Produced Broadcast Program (Annexed Form I) and submit them to the Commission.
1. A broadcast program plan
  2. A written contract, both English and Korean versions, regarding the production of the program (only for programs jointly produced with entities of other nationalities)
  3. A synopsis and script of the program
  4. Any document that proves the nationalities of and contributions made to the program by the producers, directors, writers, main actors (including supporting actors), and those in charge of the filming, music, sound, art and computer graphics, and editing
  5. A print of the program (a print of the version broadcast in Korea and one for the version broadcast overseas for any program jointly produced with entities of other nationalities and broadcast in two or more countries)
  6. Other documents required by the Commission to verify whether the program was produced domestically

- ③ Those who seek recognition as a domestically produced broadcast program pursuant to Subparagraph 2 of Paragraph 1 must submit all of the following to the Commission.
1. For prior approval, Application Form for Prior Authorization of Domestic Production under the Intergovernmental Co-Production Agreement (Annexed Form 2) pursuant to the inter-governmental co-production agreement and all of the following must be submitted
    - A. A broadcast program plan
    - B. A written contract regarding the joint production of the program (including the Korean version specifying the ownership, intellectual property rights, and profit distribution rights)
    - C. A synopsis and script of the program
    - D. Any document that proves the nationalities of and contributions made to the program by the producers, directors, writers, main actors (including supporting actors), and those in charge of the filming, music, sound, art and computer graphics, and editing
    - E. Weekly filming and work plans and a list of filming venues
    - F. Other documents required by the Commission for prior recognition as a domestically produced broadcast program in compliance with the co-production agreement between the government of the Republic of Korea and the government of the country of the entities involved in the production of the program
  2. For final approval, the Application Form for Post approval for Domestic Production under Intergovernmental Co-production Agreement (Annexed Form 3) pursuant to the inter-governmental co-production agreement and all of the following must be submitted.
    - A. A broadcast program plan
    - B. A written contract regarding the co-production of the program (including the Korean version specifying the ownership, intellectual property rights, and profit distribution rights)
    - C. A synopsis and script of the program
    - D. Any document that proves the nationalities of and contributions

made to the program by the producers, directors, writers, main actors (including supporting actors), and those in charge of the filming, music, sound, art and computer graphics, and editing

- E. A print of the program (a print of the version broadcast in Korea and one for the version broadcast overseas, produced to be included in the scheduling for broadcasting with credits inserted)
  - F. Other documents required by the Commission for final approval as a domestically produced program in compliance with the co-production agreement between the government of the Republic of Korea and the government of the country of the entities involved in the production of the program.
- ④ The Commission must notify the applicant of the result in written form within 90 days following the submission of the Application for Recognition as a Domestically Produced Program. However, should the Commission fail to produce a result within the 90-day time limit specified herein due to unavoidable reasons, it may be postponed only once for an additional 90 days.
  - ⑤ Should the applicant have an objection to the Commission's decision not to recognize the program as domestically produced, the applicant may apply for a re-examination in written form only once within 30 days from the date of notification of the result. The provisions of Paragraph 4 apply to the re-examination.
  - ⑥ The Commission may investigate whether the program has been domestically produced in accordance with the application of a stakeholder or by virtue of its authority.
  - ⑦ The Commission may operate an advisory committee composed of 5 to 9 members to take counsel regarding recognition of the program submitted pursuant to Paragraphs 2 and 3 as a domestically produced program.

[Annexed Chart 1]

## Criteria for Recognition as a Domestically Produced Broadcast Program (Concerning Article 5)

|                                  |  |
|----------------------------------|--|
| Criteria                         | A work that scores 14 points or higher in total<br>(For radio broadcast programs) A work that scores 11 points or higher out of 18 points excluding the areas of video images and art and CG   |
| Points for<br>Different<br>Areas | ① Planning and production: 3 points, ② Original work and script: 3 points, ③ Direction: 3 points, ④ Leading role (first voice actor or narrator): 3 points, ⑤ Supporting role (second voice actor or narrator): 2 points, ⑥ Video images: 2 points, ⑦ Music and sound: 2 points, ⑧ Art and CG: 2 points, ⑨ Editing: 2 points<br><br>*For sports broadcast programs, "④ Leading role (first voice actor or narrator)" should be replaced with "participating athletes" and "⑤ Supporting role (second voice actor or narrator)" with "commentator and broadcaster". |
| Additional<br>Points             | Up to 1 point may be given each for works that use the Korean language and works that were shot and edited in Korea.   |

[Annexed Form 2]

## Application Form for Prior Authorization of Domestic Production under the Intergovernmental Co-Production Agreement

| Application No.  |  | Application Date  |                                    |                          | Time Period - 90 days |  |
|--|--|---|------------------------------------|--------------------------|-----------------------|--|
| ①Applicant   | Representative   |   | Date of Birth                      |                          |                       |  |
|  | Corporation/<br>Organization<br>name                     |   | Phone number                       |                          |                       |  |
|  | Address  |   | Corporation Registration<br>Number |                          |                       |  |
| ②The other Party's production<br>company (Nationality) |  |   |                                    |                          |                       |  |
| ③Title, broadcast genre                                |  |   |                                    |                          |                       |  |
| ④Subject and content                                   |  |   |                                    |                          |                       |  |
| ⑤Production schedule                                   |  |   |                                    |                          |                       |  |
| ⑥Financial contribution                                |  | Domestic  | (    %)                            | Foreign                  | (    %)               |  |
| ⑦Creative contribution                                 |  | Domestic  | (    %)                            | Foreign                  | (    %)               |  |
| ⑧Production staff                                      |  | Plans for employment of production staff from a<br>country other than the co-production parties |                                    |                          | Yes (    ), No (    ) |  |
| ⑨Filming/work location                                 |  | Plans for filming/work locations for a country other<br>than the co-production parties          |                                    |                          | Yes (    ), No (    ) |  |
| ⑩Participati<br>on of<br>Third<br>Party<br>(country)   | Nationality of<br>Third Party's<br>production<br>company |   |                                    |                          |                       |  |
|  | Contribution<br>of Third Party                           | Financial<br>contribution   | (    %)                            | Creative<br>contribution | (    %)               |  |

With the above information, I apply for pre-approval(recognition) for domestic production based on intergovernmental co-production agreement, according to Article 71-6 of the Broadcasting Act, Article 57-7 of the Enforcement Decree of the same act, and Articles 5-3 and 7-3 of the Notice on the Programming of Broadcast Programs, Etc.

Date (YYYYMMDD)

Applicant

(Signature)

Chairman, Korea Communications Commission

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|                    |  |
|--------------------|--|
| Required documents | <ol style="list-style-type: none"><li>1. Plan for broadcast program</li><li>2. Contract on broadcast program co-production (Including Korean copy with right of ownership, Intellectual property right, and right of distribution of profits)</li><li>3. Plot and script of broadcast program</li><li>4. Nationality and evidentiary materials of contribution to the relevant broadcast program of the producers, directors, writers, main actors (including supporting actors), staff for video, music, audio, art, CG, and editing</li><li>5. Weekly plan for filming and work and filming location</li><li>6. Any other documents requested by the Korea Communications Commission for the prior approval of domestic production based on the co-production agreement between the government of the Republic of Korea and a foreign government</li></ol> |
|--------------------|--|

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[Annexed Form 3]

## Application Form for Post approval for Domestic Production under Intergovernmental Co-production Agreement

| Application No.  |   | Application Date          |                                    |                                    | Time Period - 90 days           |      |
|--|---|---------------------------|------------------------------------|------------------------------------|---------------------------------|------|
| ①Applicant   | Representative  |                           | Date of Birth                      |                                    |                                 |      |
|  | Corporation/<br>Organization name                     |                           | Phone number                       |                                    |                                 |      |
|  | Address   |                           | Corporation Registration<br>Number |                                    |                                 |      |
| ②The other Party's production<br>company (Nationality) |   |                           |                                    |                                    |                                 |      |
| ③Title, broadcast genre                                |   |                           |                                    |                                    |                                 |      |
| ④Subject and content                                   |   |                           |                                    |                                    |                                 |      |
| ⑤Broadcast quantity                                    |   |                           | Quantity of created content        |                                    | %                               |      |
| ⑥Schedule of Production                                |   |                           |                                    |                                    |                                 |      |
| ⑦Financial contribution                                |   | Domestic                  | ( %)                               |                                    | Foreign                         | ( %) |
| ⑧Creative contribution                                 |   | Domestic                  | ( %)                               |                                    | Foreign                         | ( %) |
| ⑨Producti<br>on staff                                  | Planner/Producer<br>(Nationality)                     | ( )                       |                                    | Director (Nationality)             | ( )                             |      |
|  | Main Actors<br>(Nationality)                          | ( )                       |                                    | Supporting Actors<br>(Nationality) | ( )                             |      |
|  | Music Composer<br>(Nationality)                       | ( )                       |                                    | Script (Writer) (Nationality)      | ( )                             |      |
| ⑩Filming/<br>work<br>location                          | First edition<br>production country                   |                           |                                    | ⑪<br>Langu<br>age                  | Narration,<br>Dubbing, Subtitle |      |
|  | Filming and<br>post-production<br>country             |                           |                                    |                                    |                                 |      |
|  | Soundtrack<br>production country                      |                           |                                    |                                    | Original<br>Soundtrack          |      |
|  | Dubbing and<br>subtitle production<br>country         |                           |                                    |                                    |                                 |      |
| ⑫<br>Participation<br>of Third<br>Party<br>(Country)   | Nationality of Third<br>Party's production<br>company |                           |                                    |                                    |                                 |      |
|  | Contribution of<br>Third Party                        | Financial<br>contribution | ( %)                               |                                    | Creative<br>contribution        | ( %) |

With the above information, I apply for post-approval(recognition) for domestic production based on intergovernmental co-production agreement, according to Article 71-6 of the Broadcasting Act, Article 57-7 of the Enforcement Decree of the same act, and Articles 5-3 and 7-3 of the Notice on the Programming of Broadcast Programs, Etc.

Date (YYYYMMDD)

Applicant

(Signature)

Chairman, Korea Communications Commission

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|                    |  |
|--------------------|--|
| Required documents | <ol style="list-style-type: none"><li>1. Plan for broadcast program</li><li>2. Contract on broadcast program co-production (Including Korean copy with right of ownership, Intellectual property right, and right of distribution of profits)</li><li>3. Plot and script of broadcast program</li><li>4. Nationality and evidentiary materials of contribution to the relevant broadcast program of the producers, directors, writers, main actors (including supporting actors), staff for video, music, audio, art, CG, and editing</li><li>5. Copy of broadcast program (domestic and foreign broadcast program copy produced for the objective of broadcast programming and including credits)</li><li>6. Any other documents requested by the Korea Communications Commission for the final approval of domestic production based on the co-production agreement between the government of the Republic of Korea and a foreign government</li></ol> |
|--------------------|--|

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**[Appendix 2]**

**Korea-Vietnam TV Program  
Co-production Agreement**



**AGREEMENT BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF KOREA**  
**AND**  
**THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM**  
**ON THE CO-PRODUCTION OF TELEVISION PROGRAMS**

The Government of the Republic of Korea (hereinafter referred to as "Korea") and the Government of the Socialist Republic of Viet Nam (hereinafter referred to as "Viet Nam") (hereinafter individually referred to as a "Party" and jointly referred to as the "Parties");

RECALLING Article 27(5) of the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations, signed in Singapore on 21th November 2007, which states that "ASEAN Member Countries may enter into individual bilateral arrangements with Korea concerning co-production of broadcasting programs pursuant to this Agreement, and such bilateral arrangements shall apply to the said Parties only";

DESIRING to expand and facilitate the co-production of television programs in the context of cultural cooperation between the Parties; and

CONVINCED that such cooperation will contribute to the facilitation of cultural and economic exchanges, promotion of Korean and

Vietnamese national images and greater understanding among the peoples of two countries;

HAVE AGREED as follows:

Article 1  
Definitions

1. "Co-production television program" means a television program, such as a drama, animation, entertainment program or documentary program (excluding movies), and includes television programs provided online, made by one or more co-producers of one country in cooperation with one or more co-producers of the other country, who is/are approved by the competent authorities of each Party. The scope of the co-production may be expanded by agreement between the Parties.
2. "Co-producer" means a national or juridical person of Korea or a national or juridical person of Viet Nam involved in the making of a co-production television program.
3. "Juridical person" means any legal entity duly constituted or otherwise organized under one Party's law and regulations, whether for profit or otherwise, and whether privately-owned or government-owned, including any corporation, trust, partnership, joint venture, sole proprietorship, association or society;

4. "National"<sup>6)</sup> means:
  - (a) for Korea, a Korean national within the meaning of the Korean Nationality Act, as amended; and
  - (b) for Viet Nam, any person who is a citizen of Viet Nam within the meaning of the Law on Vietnamese Nationality, as amended.
5. "Creative contribution" means the performing, technical, planning and craft contributions of the co-producers.
6. "Financial contribution" means production expenditures and may include in-kind contributions.

## Article 2

### Approval of Co-Production Television Programs

1. Co-producers shall submit to the competent authorities of the Parties an application for the prior approval of the making of a co-production television program before production. The competent authorities may, in accordance with this Agreement and the laws and regulations of each Party, approve the application submitted to them for the making of a co-production television program, and may specify the conditions upon which the approval is granted.

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6) For greater certainty, the term "national" is consistent with the term used in Article 1.5 of the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Socialist Republic of Viet Nam.

2. The competent authorities of the Parties shall grant final approval to a co-production television program upon completion of the co-production television program and prior to its distribution. The broadcasting of co-production programs shall be subject to the domestic laws and regulations of each Party.
3. The competent authorities of the Parties shall decide whether to approve an application for approval of a co-production television program within 50 days<sup>7)</sup> of its submission, by written notice to the applicants. In case of rejection, the reasons shall be stated in writing. Interested parties may seek reconsideration of the decision of the competent authorities, and the competent authorities shall take appropriate steps to reconsider the decision.
4. The competent authorities of the Parties shall exchange all information concerning the approval, rejection, change or withdrawal of any application for approval of a co-production television program. In this context, the competent authorities of the Parties shall consult each other to reach consensus in order to ensure that a co-production television program conforms to the provisions of this Agreement.

### Article 3

#### Entitlement to Benefits

All co-production television programs approved by the competent authorities of the Parties in accordance with this Agreement shall be

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7) For greater certainty, 50 days excludes non-working days.

fully entitled to all the benefits, such as government financial support and recognition as domestic programs,<sup>8)</sup> as prescribed in each Party's laws and regulations, subject to each Party's financial resources.

#### Article 4 Contributions

Each co-producer shall contribute not less than ten percent (10%) of both the total financial and the total creative contribution for the co-production television program, the proportion of which shall be decided through agreement between the co-producers.

#### Article 5 Participation

1. Persons participating in a co-production television program shall be nationals of the Parties.
2. Each Party may invite the participation of individuals from other countries, such as actors, technical personnel, musical composers and other production personnel, to participate in the co-production programs. The co-producers of both Parties shall be responsible for this participation.

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8) For greater certainty, the definition of the domestic television program shall be in accordance with each Party's laws and regulation.

## Article 6 Entry

In accordance with the laws, regulations and procedures of each Party, each Party shall permit nationals of the other Party to travel to, enter and remain in its territory, as the case may be, for the purposes of making, utilizing and promoting a co-production television program.

## Article 7 Exemption from Import Duties and Taxes

Exemption from import duties and taxes of temporary admission of goods for the making of the co-production television program shall be pursuant to Article 2.5 of the Free Trade Agreement between the Government of the Republic of Korea and the Government of the Socialist Republic of Viet Nam and in accordance with the laws, regulations and procedures of each Party.

## Article 8 Copyright, Revenue Division and Credits

1. The copyright of a co-production television program shall be shared and decided between the co-producers.
2. The terms and conditions concerning the division of distribution regions and revenue sharing between the co-producers shall be

negotiated by the co-producers themselves considering their financial and creative contributions.

3. A co-production television program shall include a credit title indicating that the co-production television program is either a "Korea - Viet Nam Co-Production" or a "Viet Nam - Korea Co-Production".

## Article 9

### Institutional Mechanisms

1. Each Party hereby designates the following competent authorities for the purposes of implementing this Agreement:
  - (a) for Korea, the Korea Communications Commission or its successors; and
  - (b) for Viet Nam, the Ministry of Information and Communications or its successors.
2. The designated authorities of a Party may request the establishment of a Joint Committee to discuss any matter related to this Agreement, and the other Party shall give due consideration to the request. If established, the Joint Committee shall comprise appropriate senior officials from relevant ministries and agencies of each Party. The Joint Committee shall discuss matters related to this Agreement at times and places agreed to by the Parties.
3. After signing this Agreement, both Parties shall issue application

and approval procedures for co-production television programs, subject to each Party's laws and regulations.

## Article 10

### Dispute Settlement

1. Either Party may request consultations with the other Party regarding any matters related to the interpretation or implementation of this Agreement by delivering a written request to the competent authority of that other Party. Consultations shall commence promptly after a Party delivers the request to the competent authority of the other Party. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter.
2. Article 29 of the Agreement on Trade in Services under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations,<sup>9)</sup> shall not apply to any matter or dispute arising under this Agreement. Any dispute arising out of the interpretation, implementation or application of any of the provisions of this Agreement shall be settled amicably through mutual discussions and dialogue between the Parties.

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9) For greater certainty, dispute settlement mechanisms are stipulated under the Agreement on Dispute Settlement Mechanism under the Framework Agreement on Comprehensive Economic Cooperation among the Governments of the Republic of Korea and the Member Countries of the Association of Southeast Asian Nations.

## Article 11

### Entry into Force and Amendment

1. This Agreement shall enter into force on the date of receipt of the last notification whereby the Parties notify each other in writing, through the diplomatic channel, that their respective internal procedures required for its entry into force have been completed.
2. The Parties shall supervise and review the implementation of this Agreement and, where necessary, may make any amendment to this Agreement by mutual written consent. Such amendment shall constitute an integral part of this Agreement and enter into force on such date as may be agreed upon by the Parties after the Parties have exchanged written notifications confirming that they have completed their respective necessary legal procedures.

## Article 12

### Duration and Termination

1. This Agreement shall continue in force for a period of three years from the date it enters into force, and then shall be automatically renewed for successive three-year periods, unless a written notice of termination is given by either Party to the other Party through diplomatic channels at least six months before the expiry of the relevant period.

2. Notwithstanding paragraph 1, this Agreement shall continue as if in force in respect of any co-production television program approved by the competent authorities and not yet completed prior to the termination of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at \_\_, on \_\_\_\_, 2018, in the Korean, Vietnamese and English languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.



**[Appendix 3]**

**Results of local user surveys on user behavior of broadcast programs and perception of co-production**



## □ Overview of the survey results<sup>10)</sup>

- In a survey conducted among 400 residents of major cities in Vietnam aged 17-59, 90.5% and 82.3% of the respondents said they watch terrestrial and pay TV respectively, which means many of them receive terrestrial TV along with subscribing pay TV services
- 66.5% of the respondents use over-the-top(OTT) services mostly YouTube(27.8%), FPT Play(10.5%), and Netflix(7.1%)
- More than half of the respondents(53%) experienced watching Korean broadcasting programs (video content) with the average monthly viewing time of about 21 hours
  - Korean broadcasting programs are usually consumed via pay TV(34.9%) or online streaming websites(26.9%)
  - 11% of the total respondents said that there are not enough opportunities to watch Korean broadcasting programs and the main obstacle is the language barrier(77.3%)
- 74.5% of the respondents experienced watching co-production broadcast programs, and watched an average of two programs a year(45.3%)
  - 84% and 90 % of the respondents answered international co-production would contribute to the production of broadcasting programs and the development of the broadcasting industry respectively

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10) Please refer to Korea Communications Commission(2018). ""Broadcasting Co-production Cooperation: Analysis of Market and Regulatory Environment of Co-production Agreement Target Countries –Malaysia, Vietnam, Singapore, Indonesia, Thailand -" for further details

- Those who experienced watching co-production broadcasting programs made by the Korean broadcaster or starring Korean celebrities accounted for 76.5%

## <Features of the Vietnamese Respondents>

| Variable                     |  | Frequency (person) | Percentage (%) | Variable      |                               | Frequency (person) | Percentage (%) |
|------------------------------|--|--------------------|----------------|---------------|-------------------------------|--------------------|----------------|
| Gender                       | Male                                   | 188                | 47.0           | Occupation    | White collar                  | 247                | 61.8           |
|                              | Female                                 | 212                | 53.0           |               | Blue collar                   | 31                 | 7.8            |
|                              | Total                                  | 400                | 100.0          |               | Service job                   | 21                 | 5.3            |
| Age                          | 10's                                   | 53                 | 13.3           |               | Student                       | 53                 | 13.3           |
|                              | 20's                                   | 99                 | 24.8           |               | Homemaker                     | 10                 | 2.5            |
|                              | 30's                                   | 108                | 27.0           |               | Agriculture-fisheries/Soldier | 17                 | 4.3            |
|                              | 40's                                   | 89                 | 22.3           |               | Others/Unemployed             | 21                 | 5.3            |
|                              | Over 50's                              | 51                 | 12.8           |               | Total                         | 400                | 100.0          |
|                              | Total                                  | 400                | 100.0          |               |                               |                    |                |
|                              |  |                    |                |               |                               |                    |                |
| Education                    | Middle school graduate or lower        | 13                 | 3.3            | Residing city | Hanoi                         | 136                | 34.0           |
|                              | High school graduate                   | 57                 | 14.3           |               | Ho Chi Minh                   | 121                | 30.3           |
|                              | Community College/ University graduate | 303                | 75.8           |               | Da Nang                       | 13                 | 3.3            |
|                              | Graduate school graduate or higher     | 21                 | 5.3            |               | Hai Phong                     | 10                 | 2.5            |
|                              | No formal education                    | 6                  | 1.5            |               | Hoi An                        | 1                  | 0.3            |
|                              | Total                                  | 400                | 100            |               | Nha Trang                     | 2                  | 0.5            |
| Average monthly income (VND) | Under 7,000                            | 63                 | 15.8           |               | Phu Quoc                      | 1                  | 0.3            |
|                              | 7,000~14,000                           | 117                | 29.3           |               | Others                        | 116                | 29.0           |
|                              | 1,4000~2,1000                          | 125                | 31.3           |               | Total                         | 400                | 100.0          |
|                              | Over 2,1000                            | 95                 | 23.8           |               |                               |                    |                |
|                              | Total                                  | 400                | 100.0          |               |                               |                    |                |

※ 100 VND = 4.81KRW(as of Dec 31, 2018)



**[Appendix 4]**

**International Co-production  
Support Scheme**



## □ Broadcasting program support(2020)<sup>11)</sup>

- The Ministry of Science and ICT (MSIT) and Korea Communications Agency (KCA) offer support programs for production of creative and competitive broadcasting programs every year to enhance competitiveness of the country's broadcasting industry and to promote the welfare of viewers

- 2020 Competition Categories

| Division                   | Realm                       |            | Maximum grant (per case) | Main content  | Target for support                                  |
|----------------------------|-----------------------------|------------|--------------------------|---|---|
| For over seas market entry | International co-production |            | KRW 500 million          | <ul style="list-style-type: none"> <li>○ Support for international co-production and pre-sale project</li> <li>○ At least 20% of investment as compared to government subsidy is required</li> </ul>              | Broadcaster, Production company, One-person Creator |
|                            | Cross-media content         |            | KRW 150 million          | <ul style="list-style-type: none"> <li>○ Production support for the cross-media environment such as web and mobile</li> <li>○ At least 20% of investment as compared to government subsidy is required</li> </ul> |   |
|                            | Format content              | Long form  | KRW 200 million          | <ul style="list-style-type: none"> <li>○ Production support for creative series targeting the overseas market</li> <li>○ At least 20% of investment as compared to government subsidy is required</li> </ul>      | Small & medium-sized broadcaster                    |
|                            |                             | Short form | KRW 150 million          | <ul style="list-style-type: none"> <li>○ Production support for 5-10 minute long high-quality programs</li> <li>○ At least 20% of investment as compared to government subsidy is required</li> </ul>             | Broadcaster, Production company, One-person Creator |

11) Please refer to the website of the Korea Communications Agency, <http://kca.kr>

| Division  | Realm                               |            | Maximum grant (per case) | Main content  | Target for support   |
|---|-------------------------------------|------------|--------------------------|---|--|
| For Public Interest   | Quality program for public interest | Long form  | KRW 120 million          | <ul style="list-style-type: none"> <li>o Production support for quality programs for public interest</li> <li>o Production at least 3 episodes of 50 minutes</li> <li>o Fully funded(An investment plan should be submitted)</li> </ul>   | Broadcaster<br>※Except for local broadcasters<br>※Only small & medium-sized broadcasters are eligible to apply for "free topic" category |
|   |                                     | Short form | KRW 120 million          | <ul style="list-style-type: none"> <li>o Production support for quality programs for public interest</li> <li>o Free topic, designated topic</li> <li>o Fully funded(An investment plan should be submitted)</li> </ul>   |  |
| Implementation of Broadcasting Communications Cooperation Agreement |                                     |            | KRW 200 million          | <ul style="list-style-type: none"> <li>o Support for co-production in collaboration with countries that have signed the Broadcasting Co-production Agreement (38 countries)</li> <li>o Co-production among               <ul style="list-style-type: none"> <li>- 5 countries or more: KRW 300 million,</li> <li>- 3 countries or more: KRW 200 million,</li> <li>- less than 3 countries: KRW 100 million</li> </ul> </li> </ul> | Broadcaster  |

## □ Implementation of Broadcasting Communications Cooperation Agreement (2020)<sup>12)</sup>

- (Purpose) Diversify the contents and overseas countries into which local broadcasters make inroads, thereby supporting the broadcasting industry's overseas expansion and the promotion of cultural diversity
- (Description) Supporting broadcasting programs co-produced with the signatories' nationals (and juridical persons) to facilitate exchange and cooperation in the broadcasting sector
- (Budget) Up to KRW 200 million per project
  - In the case of co-productions among 5 countries or more including signatories, it cannot exceed the maximum of 300 million won
- (Eligibility) All broadcasters (including consortium)
- (Genre) No limitations
- (Condition) Compliance with conditions of each agreement
  - Compliance with production conditions pursuant to the following agreements; Korea-Singapore Broadcasting Program Co-production Agreement, Korea-Cambodia Broadcasting Program Co-production Agreement, Korea-New Zealand Audiovisual Co-production Agreement (Korea-Zealand FTA Annex III), Korea-Australia Audiovisual Co-production (Korea-Australia FTA Annex 7-B), Korea-India Audiovisual Co-production Agreement, Korea-EFTA Broadcasting

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12) Excerpt from Korea Communications Agency(2020), "Project guidelines for broadcasting programs 2020", p.14.

Program Co-production (Korea-EFTA FTA Annex XI), and Protocol on Cultural Cooperation (Korea-EU FTA)

<List of signatory countries to Broadcasting/Audio-visual Co-production Agreement (38 countries)>

Singapore, Cambodia, New Zealand, Australia, India, EFTA (Switzerland, Norway, Iceland, Liechtenstein), EU (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom, Croatia), Vietnam

- (Screening process) Document screening by experts(phase 1), feasibility study on production cost(phase 2), presentation screening(phase 3)
- (Project duration) ~ December 31, 2020



**[Appendix 5]**

**News photos of the signing of  
Korea-Vietnam TV Program  
Co-production Agreement**





Photo 1. Lee Hyo-sung, Chairman of the KCC Signs Korea-Vietnam TV Program Co-production Agreement with Nguyen Manh Hung, Minister of the MIC of Vietnam



Photo 2. Lee Hyo-sung, Chairman of the KCC Exchanges Agreement with Nguyen Manh Hung, Minister of the MIC of Vietnam



Photo 3. Korea-Vietnam TV Program Co-production Agreement Signing Ceremony



Photo 4. Media Coverage of the signing ceremony of Korea-Vietnam TV Program Co-production Agreement