

**ACORD 23/2016, de 7 d'abril, del Ple del
Consell de l'Audiovisual de Catalunya**

**Aprovació del Memoràndum d'entesa entre la Korea Communications Standards
Commission de la República de Corea i el Consell de l'Audiovisual de Catalunya**

El Consell de l'Audiovisual de Catalunya (CAC) és, de conformitat amb l'article 82 de la Llei orgànica 6/2006, de 19 de juliol, de reforma de l'Estatut d'autonomia de Catalunya, l'autoritat reguladora independent en l'àmbit de la comunicació audiovisual pública i privada, i desenvolupa les funcions que li atribueixen la Llei 2/2000, de 4 de maig, del Consell de l'Audiovisual de Catalunya, i la Llei 22/2005, de 29 de desembre, de la comunicació audiovisual de Catalunya.

La Korea Communications Standards Commission (KCSC) és l'autoritat reguladora independent encarregada de regular els continguts audiovisuals i les comunicacions d'Internet a Corea. El KCSC es compromet a crear un entorn de mitjans de seguretat que millora la qualitat de vida de les persones telespectadores i usuàries. La KCSC es regeix per "la llei sobre l'establiment i funcionament de la Comissió de Comunicacions de Corea", "la Llei de l'audiovisual", i "la Llei de Promoció de la xarxa d'informació i de la utilització de les comunicacions i la protecció d'informació, etc."

La KCSC i el CAC reconeixen que els desafiaments i les oportunitats que es presenten en l'entorn de l'audiovisual i les comunicacions estan canviant ràpidament, inclosa l'evolució accelerada de la convergència dels mitjans, i que aquests han de ser tractats de manera oportuna i eficaç. Així mateix, ambdós organismes consideren oportuna la necessitat d'una cooperació mútua per a la protecció de les respectives audiències i de les persones usuàries davant dels continguts nocius que es poden difondre per part dels mitjans de comunicació, quan les fronteres nacionals no són capaces de filtrar per complet o limitar l'accés a continguts ubicats fora de les seves fronteres.

Per aquest motiu, la KCSC i el CAC desitgen establir una relació de treball eficaç, així com enfortir la cooperació mútua amb l'objectiu d'una difusió més segura dels continguts en els mitjans de comunicació.

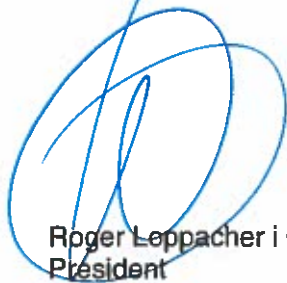
Per tot el que s'ha exposat, i de conformitat amb el que s'estableix per l'article 6 i concordants de la Llei 30/1992, de 26 de novembre, de règim jurídic de les administracions públiques i del procediment administratiu comú, així com per l'article 108 i següents de la Llei 26/2010, de 3 d'agost, de règim jurídic i de procediment de les administracions públiques de Catalunya, i l'apartat 3 de l'article 2 de l'Estatut orgànic i de funcionament del Consell de l'Audiovisual de Catalunya, aprovat per l'Acord 3/2001, de 28 de febrer, el Ple del Consell de l'Audiovisual de Catalunya adopta, per unanimitat, el següent,



ACORD

1. Aprovar el Memoràndum d'entesa entre la Korea Communications Standards Commission de la República de Corea i el Consell de l'Audiovisual de Catalunya, que s'annexa com a part integrant d'aquest Acord en la seva versió anglesa.
2. Procedir a la signatura del Memoràndum d'entesa entre la Korea Communications Standards Commission de la República de Corea i el Consell de l'Audiovisual de Catalunya.

Barcelona, 7 d'abril de 2016



Roger Leppacher i Crehuet
President



Daniel Sirera Bellés
Conseller secretari

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE KOREA COMMUNICATIONS STANDARDS COMMISSION
OF THE REPUBLIC OF KOREA
AND
THE CONSELL DE L'AUDIOVISUAL DE CATALUNYA**

The Korea Communications Standards Commission (KCSC) of the Republic of Korea and the Consell de l'Audiovisual de Catalunya (CAC), (hereinafter referred to as "the Parties")

Recognising that the challenges and opportunities presented in a rapidly changing broadcasting and communications environment, including the accelerated evolution of media convergence should be addressed in a timely and effective manner;

Considering the need for mutual cooperation for protecting their domestic audience and users from harmful contents over the media, where national boundaries are unable to completely filter or limit access to content located overseas;

Desiring, therefore, to establish an effective working relationship, and to strengthen the mutual cooperation for a safer broadcasting and communications environment;

Have reached the following understanding:

1. BACKGROUND

The KCSC is the independent regulatory authority mandated to regulate broadcast and internet communications content in Korea. The KCSC is committed to creating a safe media environment that enhances the quality of life of viewers and users. The KCSC is established on "the Act on The Establishment and Operation of Korea Communications Commission," "the Broadcasting Act," and "the Act on Promotion of Information and Communications Network Utilization and Information Protection, Etc."



The CAC is the Independent Authority that regulates audiovisual communication in Catalonia. The CAC's principles of action are defending freedom of speech and information, pluralism, neutrality and honesty of news, as well as free competition in the sector. The CAC is governed by Law 2/2000, of May 4th, of the Catalan Audiovisual Council, as well as the framework law for the sector, Law 22/2005, of December 29th, on audiovisual communication in Catalonia.

2. OBJECTIVES

2.1. The purpose of this Memorandum of Understanding (MoU) between the Parties is aimed to promote the cooperation and coordination in the exchange of information, common experiences and advice, relevant to the regulatory functions of the Parties.

2.2. This MoU also aims to promote safer media environments as well as to increase mutual understanding of the respective media landscapes and the tasks of the Parties.



3. COOPERATIVE ACTIVITIES

The Parties will encourage and support their cooperation in the following areas:

- a) Promotion of the regulation in the audiovisual services, paying special attention to the protection of minors and other vulnerable groups;
- b) Facilitation of cooperation in the exchange of information relevant to the Parties general statutory functions and duties;
- c) Establishment and improvement of communication channels between the Parties;
- d) Encouragement of exchanges and mutual visits between experts, staff and delegations of the Parties;
- e) Facilitation of conferences and other events as may be organized with the goal of promoting a conducive communications environment.

4. COMMUNICATION

4.1. In order to facilitate the cooperative activities stated above, the Parties will intensify the communication with each other, and designate at least one liaison person in their respective country for the purposes of such communication.

4.2. Electronic means (including the Internet or e-mail), fax or telephone will be the primary means of communication between the Parties.

4.3. For correspondence related to the implementation of the present MoU, the Parties will use the English language.

5. CONFIDENTIALITY

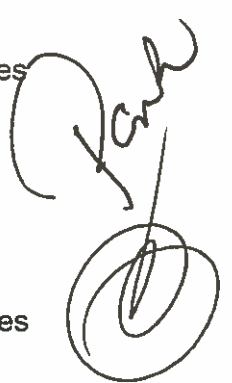
5.1. The Parties agree to keep all information obtained in the cooperative activities confidential.

5.2. The Parties will use the information and knowledge shared or obtained in the course of the activities carried out under this MoU solely for the purpose of implementing the objectives of this MoU.

5.3. Neither of the Parties will disclose, provide nor allow access to any information that is provided or communicated in confidence by the disclosing party, except as, and to the extent authorized in writing, by the disclosing party.

5.4. Ownership of confidential information, including any documents, files, materials and other items, containing any confidential information disclosed by the disclosing party, shall remain with the disclosing party.

5.5. At the disclosing party's written request, the receiving party will return immediately to the disclosing party all documents, files, materials and other items in its possession that contain confidential information which the receiving party has received under the MOU, including any copies made of such documents, files, materials and items and the receiving party will not make any further use or disclosure of such confidential information.



6. GENERAL PROVISIONS

6.1. Save for Paragraph 5, this MoU does not create any enforceable rights or impose any legally binding obligations for the Parties.

6.2. The cost of cooperation activities will be shared by the Parties in a manner jointly decided upon. Unless otherwise jointly decided, the Parties will bear in full its own costs incurred for any activities under this MoU.

6.3. Without prejudice to any other arrangement between the Parties, the ownership of all intellectual property rights in any materials or items developed or shared by the Parties for the purposes of this MoU will remain vested in the respective party who develops or owns the same.

7. FINAL PROVISIONS

7.1. This MoU will be effective from the date that it is signed by each of the representatives of the Parties.

7.2. This MoU will have a term of five (5) years.

7.3. The Parties will review this MoU and the activities conducted within its framework before the expiry of the term.

7.4. The provisions of this MoU may be amended pursuant to a review conducted under paragraph 7.3 above or at any time as may be mutually agreed in writing between the Parties. Any such amendment shall come into effect on a date agreed upon by the Parties, and shall be considered an integral part of this MoU.

7.5. Upon the expiration of this period, its validity shall automatically be renewed for a further period of five (5) years, except in the case that either Party may terminate this MOU before the expiring of the term of five (5) years by giving thirty (30) days written notice to the other party.

7.6 Any disagreement or dispute arising out of the interpretation, implementation or application of this MoU will be settled amicably by mutual consultation or negotiation between the Parties without reference to any third party or international tribunal.

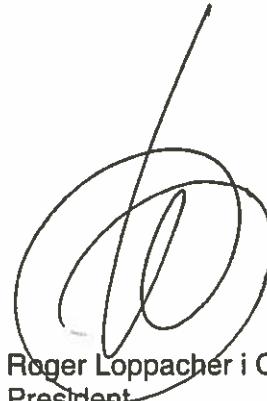


7.7. The Parties state and guarantee their rights to sign the present MoU which in no way contradicts their statutes or other legal acts.

Signed in duplicate in Barcelona, on the 19th day of April 2016, in English language.



Park Hyo-chong
Chairman
Korea Communication Standards
Commission (KCSC) of the Republic of Korea



Roger Loppacher i Crehuet
President
Consell de l'Audiovisual
de Catalunya (CAC)