

No. 4359

**ITALY
and
SPAIN**

Agreement concerning the co-production of cinematograph films. Signed at Venice, on 5 September 1956

Exchange of notes constituting an agreement modifying the above-mentioned Agreement. Rome, 12 and 16 July 1957

Official texts: Italian and Spanish.

Registered by Italy on 13 June 1958.

**ITALIE
et
ESPAGNE**

**Accord italo-espagnol de coproduction cinématographique.
Signé à Venise, le 5 septembre 1956**

Échange de notes constituant un accord modifiant l'Accord susmentionné. Rome, 12 et 16 juillet 1957

Textes officiels italien et espagnol.

Enregistrés par l'Italie le 13 juin 1958.

[TRANSLATION — TRADUCTION]

No. 4359. AGREEMENT¹ BETWEEN ITALY AND SPAIN
CONCERNING THE CO-PRODUCTION OF CINEMATO-
GRAPH FILMS. SIGNED AT VENICE, ON 5 SEPTEMBER
1956

The Italian film industry and the Spanish film industry, by reason of their traditions and background, are of such a nature as to complement each other and are in a position to co-operate effectively, in accordance with the provisions of this Agreement, in the joint production of films of international importance.

It is therefore agreed as follows :

Article I

The competent authorities of both countries shall so far as possible facilitate Italo-Spanish co-production of films.

Article II

In order to be recognized as co-productions for the purposes of this Agreement, films must be based on scripts of international value and of a quality calculated to enhance the prestige of the Italian and Spanish film industries. They must in addition be produced by firms of established technical capacity and recognized financial solvency, and must be directed exclusively by Italian and Spanish directors.

Article III

The co-production films referred to in article II shall be produced in accordance with the rules laid down in the following paragraphs :

(a) *The financial contribution made by the producers of each country shall be 50 per cent of the total production cost of each film:* the aggregate of their respective contributions must be approximately equal, particularly with respect to photography (interior and exterior), technical processing, artistic and technical personnel and the necessary material.

Nevertheless, a proportion of less than 50 per cent but not less than 30 per cent may be authorized, for good and sufficient reasons, in exceptional cases and subject in each case to prior examination by the competent authorities.

¹ Came into force on 5 September 1956, upon signature, in accordance with article XIII.

During the term of this Agreement, the competent authorities of the two countries may authorize the co-production of up to six films and may, by agreement, authorize further co-productions provided that the said six films have been completed or are at an advanced stage of production.

The competent authorities of the two countries shall examine such applications for co-production as are accompanied by a bank guarantee equal, in the case of each party, to its total contribution.

(b) *Films for young people.* Films of good quality which, by the standards applicable in each of the two countries, possess from the human and social point of view such merits as will assure them a favourable influence on the intellectual and moral development of young people shall be deemed to be films for young people.

Such films shall be exempt from the requirement of equality of financial, artistic and technical contributions.

Only such films as have been approved by the competent authorities of both countries and as have secured, in addition to the guarantee of a distribution contract, a participation to the extent of at least 10 per cent of their cost shall be treated as co-productions of this type.

The maximum number of films for young people to which these privileges may be accorded shall be three a year.

For each successive year this maximum number shall be determined by the Mixed Commission provided for in article XII of this Agreement.

(c) *Co-production with a third country.* The authorities of the two countries may authorize the co-production of films of high international quality between Spain, Italy and another country with which both have co-production agreements in force.

Each such co-production shall be examined individually before being approved.

Article IV

The competent authorities of the two countries may, by agreement in each individual case, grant some of the following exemptions for all co-produced films covered by this Agreement : they may

(1) Waive the obligation to photograph the exterior scenes of a film in their national territory when the setting of the action so requires;

(2) authorize the participation of foreign technicians and actors who habitually reside and work in one of the two countries;

(3) authorize the participation of an artist of international repute belonging to a third country;

(4) authorize, as an exceptional measure, the participation of artists of acknowledged merit belonging to countries with which Italy and Spain have co-production agreements;

(5) authorize the co-production of films made by special processes using raw stock, machinery (not available in either of the two countries) and technicians of third countries; and authorize, in a third country, the development, cutting and editing and preparation of the master print thereof for their respective national versions and for the production of prints for use in third countries.

In the cases specified in the preceding five paragraphs, the foreign currency required for the payments involved shall be furnished by the two countries in proportion to their respective financial contributions to the film. The currency required to pay for the prints needed for the release of the film in each of the two co-producing countries shall be furnished by that country.

Article V

Co-produced films covered by this Agreement shall be treated as films of national origin by the competent authorities of the two countries. They shall accordingly benefit automatically from the privileges accorded to films of national origin under the provisions in force and under such provisions as may be adopted in each of the two countries.

All such privileges shall accrue to the co-producer of the country granting them.

Article VI

Co-produced films shall, on commercial exhibition, at any artistic, cultural or technical screening and in international competitions, be shown under the designation "Italo-Spanish co-production" or "Hispano-Italian co-production". This designation shall appear in a separate frame in the opening credit titles.

This designation shall also appear in all paid advertising and in all oral and written announcements or communications concerning the presentation of the co-produced film.

In international competitions, co-produced films shall be entered by the country chosen by agreement between the co-producers. In the event of disagreement, the film shall be entered by the country having the majority participation or, in case of equality of participation, by the country of the director's nationality.

Article VII

Profits shall be divided between the co-producers of the two countries as follows :

(1) Profits earned in Italy, former Italian Africa and Malta and on ships flying the Italian flag shall accrue to the Italian party;

(2) Profits earned in Spain, Territories under Spanish jurisdiction, Portugal, Portuguese Overseas Territories, Turkey, the Moroccan Empire and Gibraltar shall accrue to the Spanish party. The same shall apply to profits earned on ships flying the Spanish, Portuguese and Turkish flags and the flag of the Moroccan Empire.

(3) Profits earned in countries other than those specified above shall be distributed either in proportion to the financial contribution of each co-producer or by a different method to be agreed for the purpose between the co-producers.

Such distribution shall be subject to approval by the competent authorities of the two countries.

Should the co-producers be prevented from receiving in due proportion the amounts accruing to them from third countries, and especially in the cases provided for in article VIII hereafter, all proceeds of sales and exhibition in such third countries shall be collected by the exporting country.

The competent authorities of the two countries shall regulate by agreement the payment of amounts thus accumulated which are due to the co-producers of their respective countries.

Article VIII

If a co-produced film is exported to a country where imports are subject to quota restrictions, the film shall as a rule be charged against the quota of the country having the majority financial participation.

If the contributions of the co-producers of the two countries are equal, the film shall be charged against the quota of the country having the better opportunities for export to the importing country. If the films of one of the two co-producing countries can enter the importing country without restriction, the benefit of this arrangement shall automatically be extended to co-produced films.

Article IX

Two negatives or, failing that, one negative and one fine-grain print shall be made for each co-produced film.

The co-producer of each of the two countries shall be the owner of one negative or one fine-grain print (lavender or internegative and international sound tracks), which he may export without restriction to his country of nationality.

Article X

The Directorate-General of Theatre Arts, in the case of Italy, and the Directorate-General of Film and Theatre Arts, in the case of Spain, shall determine the procedure for the application of this Agreement.

Article XI

The competent authorities of the two countries undertake to facilitate so far as possible the formalities for the movement of material and persons and to facilitate all forms of financing which may be agreed upon in order to make the co-productions a success, whether in the preparatory stage or in that of production and exhibition.

Article XII

A Mixed Commission composed of representatives of the two countries shall be convened as a rule every six months, and in extraordinary meeting at any time at the request of either Party, in order to supervise the application or to amend the provisions of this Agreement.

Article XIII

This Agreement shall enter into force this day and shall remain in force until 28 February 1957. It shall be deemed to be renewed for successive terms of one year unless it is denounced by either Party three months before the expiry of the prescribed term. It shall be subject to the approval of the two Governments, which they shall communicate to each other by an exchange of notes.

DONE at Venice, in the Italian and Spanish languages, both texts being equally authentic, on 5 September 1956.

For the Italian Government :

Nicola DE PIRRO
Director-General
of Theatre Arts

For the Spanish Government :

Juan SCHWARTZ Y DÍAZ FLORES
Director-General
of Economic Policy

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN ITALY AND SPAIN MODIFYING THE AGREEMENT OF 5 SEPTEMBER 1956² CONCERNING THE CO-PRODUCTION OF CINEMATOGRAPH FILMS. ROME, 12 AND 16 JULY 1957

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE L'ITALIE ET L'ESPAGNE MODIFIANT L'ACCORD ITALO-ESPAGNOL DE COPRODUCTION CINÉMATOGRAPHIQUE DU 5 SEPTEMBRE 1956². ROME, 12 ET 16 JUILLET 1957

I

[ITALIAN TEXT — TEXTE ITALIEN]

IL MINISTRO DEGLI AFFARI ESTERI

Roma, 12 luglio 1957

Signor Ambasciatore,

la Commissione Mista prevista dall'articolo 12 dell'Accordo di coproduzione cinematografica italo-spagnolo del 2 settembre 1953, ha deciso, come risulta dal Processo Verbale redatto in Roma il 19 febbraio 1957 a conclusione dei lavori della V^a sessione, di sottoporre all'approvazione dei rispettivi Governi l'abolizione delle norme di cui alla lettera b) dell'articolo III dell'Accordo di coproduzione cinematografica concluso in Venezia il 5 settembre 1956, riguardanti la categoria dei films destinati alla gioventù; in considerazione di quanto sopra, la lettera c) del citato articolo III diventerebbe lettera b).

Ho l'onore di portare a Sua conoscenza che il Governo italiano approva la proposta sopra enunciata.

Le sarò grato se vorrà farmi conoscere se il Governo spagnolo è d'accordo sulla proposta stessa; in tal caso la presente Nota e la risposta di V.E. costituiranno un Accordo fra i due Governi per emendare quello concluso in Venezia il 5 settembre 1956; l'Accordo di modifica potrà considerarsi in vigore dalla data della Nota di V. E.

¹ Came into force on 16 July 1957 by the exchange of the said notes.

² See p. 206 of this volume.

¹ Entré en vigueur le 16 juillet 1957 par l'échange desdites notes.

² Voir p. 207 de ce volume.

La prego gradire, Signor Ambasciatore, gli atti della mia più alta considerazione.

PELLA

S. E. don Emilio de Navasques Ruiz de Velasco Conte de Navasques
Ambasciatore di Spagna
Roma

[TRANSLATION]

[TRADUCTION]

MINISTER OF FOREIGN AFFAIRS

LE MINISTRE DES AFFAIRES ÉTRANGÈRES

Rome, 12 July 1957

Rome, le 12 juillet 1957

Your Excellency,

Monsieur l'Ambassadeur,

The Mixed Commission provided for in article XII of the Agreement of 2 September 1953 between Italy and Spain concerning the co-production of cinematograph films has decided, as stated in the official record drawn up at Rome on 19 February 1957 at the close of the fifth session, to submit to the two Governments for approval a proposal to cancel the rules laid down in article III, paragraph (b), of the Agreement concerning the co-production of cinematograph films concluded at Venice on 5 September 1956,¹ relating to the category of films for young people. As a result of the above amendment, paragraph (c) of the said article III would become paragraph (b).

I have the honour to inform you that the Italian Government approves the above proposal.

I should be grateful if you would inform me whether the Spanish Government agrees to the said proposal,

¹ See p. 206 of this volume.

La Commission mixte prévue à l'article XII de l'Accord italo-espagnol de coproduction cinématographique, du 2 septembre 1953, a décidé, ainsi qu'il ressort du procès-verbal dressé à Rome le 19 février 1957 au terme des travaux de sa cinquième session, de soumettre à l'approbation des gouvernements respectifs la prorogation des dispositions énoncées sous la lettre *b* de l'article III de l'Accord de coproduction cinématographique conclu à Venise le 5 septembre 1956¹ et relatives à la catégorie des films destinés à la jeunesse; de ce fait, la lettre *c* de l'article III précité deviendrait la lettre *b*.

J'ai l'honneur de porter à votre connaissance que le Gouvernement italien approuve la proposition ci-dessus.

Je vous serais obligé de bien vouloir me faire savoir si le Gouvernement espagnol donne son agrément à cette

¹ Voir p. 207 de ce volume.

in which case this note and your reply will constitute an Agreement between the two Governments to amend the Agreement concluded at Venice on 5 September 1956; the amending Agreement may be regarded as entering into force on the date of your note.

proposition; si tel est le cas, la présente note et la réponse de Votre Excellence constitueront, entre les deux Gouvernements, un accord modifiant celui qui a été conclu à Venise le 5 septembre 1956; l'Accord de modification pourra être considéré comme entrant en vigueur à la date de la note de Votre Excellence.

I have the honour to be, etc.

Veuillez agréer, etc.

PELLA

PELLA

H.E. Don Emilio de Navasques Ruiz
de Velasco Conde de Navasques
Ambassador of Spain
Rome

S.E. don Emilio de Navasques Ruiz
de Velasco comte de Navasques
Ambassadeur d'Espagne
Rome

II

[SPANISH TEXT — TEXTE ESPAGNOL]

EL EMBAJADOR DE ESPAÑA EN ITALIA

Roma, 16 de Julio de 1957

Excelencia,

Tengo el honor de acusar recibo de su carta de fecha 12 de los corrientes que dice lo siguiente :

[*See Italian text, note I — Voir note I, texte italien*]

Me es especialmente grato informar a V. E. que el Gobierno español está de acuerdo con el contenido de la misma.

Sírvase aceptar, Señor Ministro, el testimonio de mi más alta consideración.

DE NAVASQUES

Su Excelencia Don Giuseppe Pella
Ministro de Affari Esteri
Roma

[TRANSLATION]

THE AMBASSADOR OF SPAIN
IN ITALY

Rome, 16 July 1957

Your Excellency,

I have the honour to acknowledge receipt of your letter dated 12 July 1957, which reads as follows :

[*See note I*]

I take particular pleasure in informing you that the Spanish Government agrees to the contents of the foregoing.

I have the honour to be, etc.

DE NAVASQUES

His Excellency
Mr. Giuseppe Pella
Minister of Foreign Affairs
Rome

[TRADUCTION]

L'AMBASSADEUR D'ESPAGNE
EN ITALIE

Rome, le 16 juillet 1957

Monsieur le Ministre,

J'ai l'honneur d'accuser réception de la lettre de Votre Excellence en date du 12 juillet, conçue dans les termes suivants :

[*Voir note I*]

J'ai le plaisir d'informer Votre Excellence que le contenu de cette lettre rencontre l'agrément du Gouvernement espagnol.

Veuillez agréer, etc.

DE NAVASQUES

Son Excellence
Monsieur Giuseppe Pella
Ministre des affaires étrangères
Rome