

No. 5549

**YUGOSLAVIA
and
ITALY**

**Agreement (with *procès-verbal*) concerning relations in
respect of films. Signed at Belgrade, on 12 December
1957**

Official text: French.

Registered by Yugoslavia on 18 January 1961.

**YOUGOSLAVIE
et
ITALIE**

**Accord (avec *procès-verbal*) sur les relations dans le do-
maine du film. Signé à Belgrade, le 12 décembre 1957**

Texte officiel français.

Enregistré par la Yougoslavie le 18 janvier 1961.

[TRANSLATION — TRADUCTION]

No. 5549. AGREEMENT¹ BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE ITALIAN REPUBLIC CONCERNING RELATIONS IN RESPECT OF FILMS. SIGNED AT BELGRADE, ON 12 DECEMBER 1957

The representatives of the Governments of the Federal People's Republic of Yugoslavia and of the Italian Republic,

Having noted the favourable development of relations between the two countries in respect of films, and desiring to promote future co-operation in the co-production of films of artistic quality and to improve the exchange of films,

Have agreed as follows :

TITLE I

(a) CO-PRODUCTION

Article 1

The competent authorities of the two countries shall encourage as much as possible Yugoslav-Italian co-production of films of outstanding quality.

Films so produced shall be treated by the said authorities as films of national origin and shall *ipso facto* benefit from the privileges accorded under the provisions which are at present in force or may be promulgated in future in each of the two countries during the period of validity of this Agreement. These privileges shall accrue only to the co-producers of the country by which they are granted.

Article 2

The script writers, leading collaborators and others employed for the production of films must be Yugoslav or Italian nationals or persons deemed to be such. The services of nationals of countries with which one of the Contracting Parties has signed similar co-production agreements may, however, be engaged. In exceptional cases, if required in the interests of the film, script writers and leading collaborators of third countries may be employed. They shall be selected by agreement between the co-producers of the two countries.

¹ Came into force on 20 June 1958 by an exchange of notes, in accordance with article 18.

Article 3

Co-production films shall be made in the territory of one of the two contracting countries.

Exceptions may, however, be permitted by agreement if required by the setting of the film or other valid reason or if the film is co-produced with a third country which has signed a co-production agreement with Yugoslavia and Italy.

Such co-production agreement must be in force on the date of signature of the relative contract.

Article 4

Each co-production film shall comprise two negatives or, failing that, one negative and one fine-grain print and, in the case of colour films, one negative or one internegative.

Each co-producer shall be the owner of one negative or one fine-grain print or, in the case of colour films, one internegative.

The language in which a film is produced shall be governed by the domestic laws and regulations in each country.

Article 5

Co-production films covered by this Agreement shall be films in which the minority participation of a co-producer shall be not less than 30 per cent. By way of exception and subject to the special permission of the competent authorities of the two countries, the minority participation of a co-producer may be reduced to 20 per cent in the case of certain films which are of great artistic merit or which employ important technical, labour and financial resources.

Article 6

The total participation of the co-producers of the two countries during any one year shall be in proportion to the film-producing capacity of each country.

Article 7

Receipts from co-production films shall be divided according to the terms of the contract between the co-producers and in proportion to the share of the production costs borne by each of the co-producers.

No contract concerning the division of receipts shall be deemed to be valid unless duly approved by the competent authorities of the two countries.

Similarly approval shall be required for every contract providing for payments to be made in the currencies of third countries.

Article 8

Upon release co-production films shall bear the designation “ Yugoslav-Italian co-production ” or “ Italo-Yugoslav co-production ”.

This designation shall appear as a separate title in the credits of each film and shall be included in the paid advertising relating to the exhibition of the film, in material relating to the showing of the film at artistic and cultural events — particularly international competitions — and in all communications concerning the film.

Article 9

The co-producers shall agree in what version and under what nationality co-production films are to be entered for international competitions.

In case of disagreement between the co-producers, a film shall be entered for international competitions by the country having the majority financial participation.

A film in which the two countries have participated on an equal basis shall, in case of disagreement, be entered by the country of which the director of the film is a national.

Article 10

No contract concluded between producers of the two countries in accordance with the terms of Title I of this Agreement shall be valid unless it has been duly authorized by the competent authorities of the two countries.

Article 11

The Association of Yugoslav Film Producers, on behalf of Yugoslavia, and the Directorate-General of Theatre Arts attached to the Office of the President of the Council of Ministers, on behalf of Italy, shall exchange the documents showing that authorization has been given.

Article 12

The authorities of the two countries shall give favourable consideration to the co-production of films of international quality by Yugoslavia, Italy and countries with which both have signed co-production agreements. The conditions for the treatment of such films as co-production films shall be examined separately in each case.

*(b) EXCHANGE OF SERVICES**Article 13*

The Contracting Parties shall, subject to their domestic laws and regulations, give the most favourable consideration possible to any applications for producing

films or parts of films, whether Yugoslav or Italian, in the two countries with the participation of the producing staff of the other country, independently of any co-production agreement.

(c) COMMON PROVISIONS

Article 14

The Contracting Parties shall afford all facilities for the temporary admission of the material and equipment needed for the production of the films.

Under the Payments Agreement in force every facility shall be granted for the transfer of all payments to be made under co-production agreements or of payments for services under the terms of article 13.

If, during the course of the said productions, the Payments Agreement in force between the two countries ceases to have effect, all payments as provided in the preceding paragraph shall be made in accordance with the provisions of the said Payments Agreement.

TITLE II

EXCHANGE OF FILMS

Article 15

The import, export and exhibition of films of national origin in the two countries shall be governed by the Trade Agreement and Payments Agreement in force and by the relevant laws and regulations in the two countries relating to the domestic distribution of films.

The Contracting Parties shall facilitate to the utmost the exchange and exhibition of films of national origin in the two countries.

Article 16

Every import contract shall require a certificate of nationality which shall be issued by the Federal Film Examination Commission, on behalf of Yugoslavia, and by the Directorate-General of Theatre Arts attached to the Office of the President of the Council of Ministers, on behalf of Italy.

TITLE III

GENERAL PROVISIONS

Article 17

A Yugoslav-Italian Joint Commission composed of experts appointed by the competent authorities of the two countries (in Yugoslavia, by the Secretariat of the Federal Executive Council for Education and Culture and in Italy, by

the Directorate-General of Theatre Arts attached to the Office of the President of the Council of Ministers) shall be convened alternately in Yugoslavia and Italy at the request of either of the Contracting Parties, which shall state the reasons therefor.

The Commission shall meet for the purpose of considering all matters connected with the application of this Agreement and, in particular, the principle established in article 6 above, to overcome any difficulties which may arise, to examine possible amendments and improvements, and to propose conditions for its renewal.

Article 18

This Agreement shall remain in force for a period of one year from the date of the exchange of notes signifying the approval of the respective Governments.

It shall be renewed by tacit agreement, unless denounced by one of the Contracting Parties by giving notice not less than three months before its date of expiry.

DONE at Belgrade, in two original copies in French, on 12 December 1957.

For the Yugoslav Delegation:
Pero ŽARKOVIĆ

For the Italian Delegation :
Benedetto ORTA

“ PROCÈS-VERBAL ”

The Yugoslav and Italian delegations met at Belgrade between 9 and 12 December 1957 for the purpose of studying cinematographic questions of mutual concern to the two countries and drafting an Agreement for co-operation in respect of films between the two countries for submission to the respective Governments for approval.

The Yugoslav delegation was composed as follows:

Head of the Delegation:

Mr. Pero Žarković, Counsellor in the Ministry of Foreign Affairs;

Members of the delegation:

Mrs. Smilja Mesarić, Counsellor in the Secretariat of the Federal Executive Council for Education and Culture,

Mr. Samuilo Amodaj, President of the Association of Yugoslav Film Producers,

Mr. Jovan Ružić, General Secretary of the Association of Yugoslav Film Producers,

Mr. Miroslav Škarka, Chief Clerk to the Ministry of Financial Affairs,

Mrs. Lejka Marić, an official of the National Bank of Yugoslavia.

The Italian delegation was composed as follows:

Head of the delegation:

Dr. Benedetto Orta, of the Directorate-General of Theatre Arts attached to the Office of the President of the Council of Ministers,

Members of the delegation:

Dr. Marcello Serafini, Commercial Attaché at the Italian Embassy at Belgrade;

Mr. Alfredo Guarini, Vice-President of the National Union of Italian Film Producers,

Dr. Achille Valignani, General Secretary of A.N.I.C.A.

In pursuance of the Agreement for co-operation in respect of films signed between the two delegations under today's date,¹ the above delegations agreed that:

I

Where, for any reason, one of the two Parties can more easily market one or more co-production films in a third country, the export of such films to that country may, with the agreement of the co-producers, be effected by the country having the better facilities.

II

In the event of any dispute arising between co-producers of the two countries concerning the interpretation or performance of contracts entered into between them, the said co-producers shall, before having recourse to the competent judicial authorities, submit such disputes to arbitration, in accordance with the arrangements set out in the exchange of letters which took place today between the two Associations: Udruženje filmskih proizvođača Jugoslavije (Association of Yugoslav Film Producers) and A.N.I.C.A. (National Association of Cinematographic and Allied Industries).

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For the Yugoslav Delegation:

Pero ŽARKOVIĆ

For the Italian Delegation:

Benedetto ORTA

¹ See p. 295 of this volume.