

**No. 10918**

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**BELGIUM  
and  
ITALY**

**Agreement on cinematographic co-production. Signed at  
Rome on 15 October 1970**

*Authentic texts: French, Dutch and Italian.*

*Registered by Belgium on 11 January 1971.*

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**BELGIQUE  
et  
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**Accord de coproduction cinématographique. Signé à Rome  
le 15 octobre 1970**

*Textes authentiques : français, néerlandais et italien.*

*Enregistré par la Belgique le 11 janvier 1971.*

[TRANSLATION — TRADUCTION]

## AGREEMENT<sup>1</sup> ON CINEMATOGRAPHIC CO-PRODUCTION BETWEEN BELGIUM AND ITALY

The Government of the Kingdom of Belgium and  
The Government of the Italian Republic,

Considering that quality cinematographic productions, both from the artistic and recreational points of view, contribute to the prestige of the countries concerned,

Have agreed as follows :

### *Article 1*

#### PRINCIPLE

The competent authorities of the two countries shall encourage Belgo-Italian co-production of full-length and short films of good technical quality and adequate artistic or entertainment value.

Films so produced and covered by this Agreement shall be treated as films of national origin by the authorities of the two countries.

Such films shall *ipso facto* benefit from the privileges deriving from the application of the provisions which are at present in force or which may be promulgated in future in either country.

Such privileges shall accrue only to the co-producer of the country by which they are granted.

Special conditions for short films shall be established jointly by the competent authorities of the two countries.

The following provisions shall govern full-length films.

### *Article 2*

#### CO-OPERATION

The script writers, production workers, actors and actresses and technicians employed in producing co-production films shall be Italian citizens or recognized as such under the laws and regulations in force in Italy or Belgian

<sup>1</sup> Came into force on 15 October 1970 by signature, in accordance with article 14 (1).

or Italian citizens benefiting, under Belgian regulations, from assistance to the film industry.

The participation of nationals of other countries may be allowed in exceptional circumstances, having regard to the requirements of the production of the cinematographic work, if they are actors or actresses of international repute or script writers or chief production executives also of international repute.

The artistic and technical contributions of the co-producers shall in principle be proportional to their financial participation.

The participation of the minority co-producer shall include an effective artistic and technical contribution proportional to his contribution and shall in any case comprise :

- (1) A script writer and a leading actor or actress;
- (2) Two technicians for shooting and sound recording;
- (3) 20 per cent of the actors in secondary roles, unless a specific exception is made in each case.

For other technicians and cutting-room staff, the co-producers shall, as far as possible, employ a majority from the country in which the film is shot.

### *Article 3*

#### SHOOTING

Co-production films shall be shot on the territory of one or both of the two contracting countries. Nevertheless, exceptions may be made by mutual agreement if the scene of action and technical aspects of the production so require.

### *Article 4*

#### COPIES

The co-producers of films shall be co-owners of the negatives and shall have the right to retain and dispose of one fine-grain print or one internegative.

### *Article 5*

#### PARTICIPATION

The contribution of the minority co-producer shall not be less than 30 per cent of the estimate for the film as indicated in the file previously approved by the competent authorities of the two countries.

Nevertheless, for films of exceptional importance and provided that the said authorities agree beforehand, such participation may be reduced to 20 per cent.

#### *Article 6*

##### MARKETS AND RECEIPTS

In principle, receipts shall be divided in proportion to the contribution of each co-producer. The contract clauses providing for the division of receipts and markets among co-producers shall be approved by the competent authorities of the two countries.

#### *Article 7*

##### DESIGNATION AND PARTICIPATION IN FESTIVALS

Co-production films shall display the designation "Belgo-Italian co-production" or "Italo-Belgian co-production".

This designation shall appear in a separate frame in the opening credit titles. It shall also be included in the paid advertising relating to the showing of the film at artistic and cultural events, and particularly at international festivals and in all communications concerning such films.

Such films shall be shown at international festivals by agreement between the co-producers. In the event of dispute, such films shall be entered by the co-producer having the majority participation. Films in which each has participated to an equal extent shall be entered by the country of which the director is a national.

#### *Article 8*

##### AUTHORIZATION

Applications for authorization accompanied by co-production plans shall be filed at least 30 days before shooting starts, together with all the documents which the competent authorities of the two countries may deem necessary.

No contract concluded between the co-producers of the two countries under the provisions of this Agreement shall be valid until the authorization of the aforesaid authorities has been obtained.

Authorizations shall be granted, on the Belgian side, by the General Directorate of Trade of the Ministry of Economic Affairs and, on the Italian side, by the General Directorate of Recreation of the Ministry of Tourism and Recreation.

### *Article 9*

#### CO-PRODUCTION WITH THIRD COUNTRIES

The authorities of the two countries shall, in each individual case, promote the co-production of quality films by Belgium and Italy and countries with which each has a co-production agreement.

The minority participation of one country shall not be less than 20 per cent.

### *Article 10*

#### FACILITIES

Every facility shall be accorded for the travel accommodation of artistic and technical personnel working on co-production films as well as for the import or export by either country of the material needed for the production and showing of the said films, particularly raw film, technical material, costumes, set material and publicity material.

### *Article 11*

#### REVIEW OF CONTRIBUTIONS

The balance between the total financial, artistic and technical participation of the two co-producing countries shall be reviewed each year by the Joint Commission referred to in article 13. The balance-sheet of financial transfers shall also be drawn up for the purpose of maintaining the balance between the two countries.

### *Article 12*

#### CURRENCY TRANSFERS

All currency transfers resulting from the implementation of this Agreement shall be effected in accordance with the regulations in force in the two countries.

The balance, if any, of the contribution of the minority co-producer shall be paid to the majority co-producer within 60 days from the date of delivery of all the material needed to obtain the version(s) of the minority country.

Failure to comply with this requirement shall result in the forfeiture of co-production benefits.

### Article 13

#### JOINT COMMISSION

A Joint Commission, composed of officials and experts appointed by the competent authorities of the two countries, shall be established for the purpose of observing and facilitating the implementation of this Agreement and suggesting, if necessary, amendments to it.

The Commission shall meet alternately in Belgium and in Italy, at least once a year and at the request of either of the Contracting Parties.

### Article 14

#### VALIDITY

This Agreement shall enter into force on the date of signature and shall replace the Agreement of 28 October 1961.<sup>1</sup>

It shall remain in force for two years and shall be renewable for further such periods by tacit agreement, unless denounced by one of the Contracting Parties three months before the date of its expiry.

DONE at Rome on 15 October 1970 in two originals, each in the French, Dutch and Italian languages, all texts being equally authentic.

For the Government  
of the Kingdom of Belgium :

[Signed]

F. X. VAN DER STRACHTEN-WAILLET

For the Government  
of the Italian Republic :

[Signed]

SALIZZONI

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<sup>1</sup> United Nations, *Treaty Series*, vol. 429, p. 199.