

No. 14114

**FRANCE
and
TUNISIA**

**Agreement on the co-production and exchange of films
(with annex). Signed at Tunis on 31 May 1974**

Authentic text: French.

Registered by France on 16 July 1975.

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et
TUNISIE**

**Accord de coproduction et d'échanges cinématographiques
(avec annexe). Signé à Tunis le 31 mai 1974**

Texte authentique : français.

Enregistré par la France le 16 juillet 1975.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON THE CO-PRODUCTION AND EXCHANGE OF FILMS

The Government of the French Republic and
The Government of the Republic of Tunisia,
Being anxious to develop and expand co-operation between their film industries,

Desiring to encourage the co-production of films which, by virtue of their artistic and technical merits, are likely to enhance the prestige of the two countries, and to develop exchanges of films between them,

Have agreed as follows:

I. CO-PRODUCTION

Article 1. Co-production films covered by this Agreement shall be treated as films of national origin by the authorities of the two countries.

Such films shall enjoy as of right the privileges accorded under provisions in force in each country.

The making of co-production films by the two countries shall require the approval, after mutual consultation, of the competent authorities of the two countries:
In France: the Centre national de la cinématographie;
In Tunisia: the Department of Films, Ministry of Cultural Affairs.

Article 2. In order to enjoy co-production privileges, films must be made by producers who have a good technical and financial organization and professional experience recognized by their national authority.

Article 3. Each co-production film shall comprise one negative and one duplicate, inter-negative or inter-positive.

Each co-producer shall be the owner of one of the above-mentioned items.

The technical facilities (studios and laboratories) used for co-production films covered by this Agreement must be those of one of the two signatory countries.

All prints of co-production films intended for use in France must, irrespective of which country has the majority participation, be made at French laboratories.

Article 4. The making of films shall be subject to the following conditions:

The respective contributions of the producers of the two countries to each film may vary between 30 and 70 per cent; in exceptional cases, the minority participation may be reduced to 20 per cent, with the agreement of the competent authorities of the two countries. Each co-production film must involve effective artistic and technical participation by both sides.

¹ Came into force on 29 September 1974, i.e., 30 days after the last of the notifications (effected on 22 July and 30 August 1974) by which the Governments informed each other of their approval, in accordance with article 16.

Article 5. Films must be made by directors, technicians and artists who are French nationals or have resident status in France or who are Tunisian nationals or have resident status in Tunisia.

By way of exception, the participation of performers who are not nationals of either country may be permitted.

Article 6. Receipts shall be divided in proportion to the total contribution of each co-producer.

Such division shall take the form of either a sharing of receipts or a geographical division — in which case any difference in size between the markets of the signatory countries shall be taken into account — or a combination of the two. The division shall be subject to the approval of the competent authorities of each of the two countries.

Article 7. Unless otherwise agreed by the Parties, export arrangements for co-production films shall be made by the majority co-producer or, in the case of films in which both sides participated equally, by the co-producer having the same nationality as the director.

In the case of countries which impose import restrictions, the film shall be charged against the quota of the country having the better export opportunities. In the event of difficulties, the film shall be charged against the quota of the country of which the director is a national.

Article 8. Credits, trailers and advertising material for films made under this Agreement shall indicate that the film is a Franco-Tunisian co-production.

Unless otherwise mutually agreed, co-production films shall be presented at international showings and festivals by the country of the majority co-producer or, in the case of films in which both sides participated equally, by the country of which the director is a national.

Article 9. An over-all balance must be achieved both artistically and with regard to the use of the technical facilities of the two countries, especially studios and laboratories.

Article 10. The competent authorities of the two countries shall give favourable consideration to the making of co-production films of international quality by the French Republic, the Republic of Tunisia and countries with which either of them has co-production agreements.

Article 11. Every facility shall be afforded for the travel and sojourn of artistic and technical personnel working on these films and for the import and export to and from each country of material needed for the making and exploitation of co-production films (raw film, technical material, costumes, sets, advertising material, etc.).

II. EXCHANGES OF FILMS

Article 12. The export, import, distribution and exploitation for commercial purposes of film prints shall not be subject to any restriction other than the regulations in force in each of the two countries.

III. GENERAL PROVISIONS

Article 13. The competent authorities of the two countries shall communicate to each other full information concerning co-productions and exchanges of films and, in general, all particulars concerning relations between the two countries in respect of films.

Article 14. A Mixed Commission shall have the task of considering methods of implementing this Agreement, resolving any difficulties and studying such amendments as may be desirable with a view to developing co-operation in respect of films in the common interest of the two countries.

For such time as this Agreement remains in force, the Commission shall meet each year, alternately in France and Tunisia; it may also be convened at the request of either Contracting Party, especially in the event of any substantial amendments to either the laws or the regulations applicable to the film industry.

Article 15. The remittance of receipts in respect of co-production films made in accordance with this Agreement shall not be affected by the termination of agreements and shall, in that event, continue on the terms previously laid down under the provisions of article 6.

Article 16. The two Governments shall notify each other of their approval of this Agreement; the Agreement shall enter into force thirty days after the second such notification.

The Agreement is concluded for a period of two years from the date of its entry into force; thereafter, it shall be automatically renewed for successive periods of two years, unless denounced by one of the Parties three months before the date of its expiry.

DONE at Tunis, on 31 May 1974, in duplicate.

For the Government of the French Republic:

[Signed]

GEORGES GAUCHER

For the Government of the Republic of Tunisia:

[Signed]

MAHMOUD MESSADI

A N N E X

IMPLEMENTATION PROCEDURE

In order to benefit from the provisions of the Agreement, producers of each country must attach to their co-production applications, submitted to their respective authorities, one month before the shooting of the film is to begin, a set of documents including the following:

- a detailed scenario;
- a document concerning the acquisition of film rights;
- the co-production contract between the co-producing companies;

- a cost estimate and a detailed financing plan;
- a list of the technical and artistic personnel of the two countries;
- a production schedule.

The authorities of the country having the minority financial participation shall give their consent only after receiving the views of the authorities of the country having the majority financial participation.
