

No. 14115

FRANCE
and
FEDERAL REPUBLIC OF GERMANY

**Agreement concerning Franco-German relations in respect
of films (with annex). Signed at Paris on 5 December
1974**

Authentic texts: French and German.

Registered by France on 16 July 1975.

FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

**Accord sur les relations cinématographiques franco-
allemandes (avec annexe). Signé à Paris le 5 décembre
1974**

Textes authentiques : français et allemand.

Enregistré par la France le 16 juillet 1975.

[TRANSLATION — TRADUCTION]

**AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH
REPUBLIC AND THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY CONCERNING FRANCO-GERMAN
RELATIONS IN RESPECT OF FILMS**

The Government of the French Republic and
The Government of the Federal Republic of Germany,
Being anxious to develop co-operation in respect of films,
Desiring to encourage the co-production of films,
Have agreed as follows:

A. CO-PRODUCTION

Article 1. 1. Co-production films covered by this Agreement shall be treated as films of national origin, in accordance with the laws in force in each of the two countries.

2. Such films shall enjoy as of right, in each country, the privileges accorded under provisions which are at present in force or may hereafter be promulgated. The said privileges shall be accorded, in France, only to the producer who is a national of that country and, in the Federal Republic of Germany, to the producer who is domiciled or has his principal place of business in that country.

3. The making of co-production films by producers of the two countries shall require the approval, after mutual consultation, of the competent authorities:

In France: The Centre national de la cinématographie;

In the Federal Republic of Germany: the Bundesamt für gewerbliche Wirtschaft.

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.

Article 3. The making of full-length films shall be subject to the following conditions:

1. The participation of the co-producers shall comprise financial, artistic and technical contributions. The artistic and technical participation of each country should in principle be in the same proportion as the financial contributions.

2. The participation of the minority co-producer shall be not less than 30 per cent of the cost of producing the film.

Article 4. 1. Films must be made by directors, technicians and artists who, in the case of France, are of French nationality or are privileged residents and, in the case of the Federal Republic of Germany, are of German nationality or belong to the German cultural community.

2. Technical and artistic participation must include at least one script writer or adapter, one technician and, preferably, one actor in a leading role and one actor in

¹ Came into force on 26 January 1975, i.e., 30 days after the last of the notifications (effected on 10 and 27 December 1974) by which the Governments had informed each other of their approval, in accordance with article 16(1).

a supporting role or, failing that, two actors in important roles possessing the nationality of the country which has the minority financial participation, the term “nationality” being interpreted so as to conform to the provisions of the preceding paragraph.

3. The participation of performers who are nationals of third countries may be permitted in exceptional cases, with the agreement of the competent authorities of the two countries, provided that the film script so requires.

4. Studio scenes must be shot and films must be scored and developed in the territory of the Contracting Parties.

5. Studio scenes shall be shot preferably in the country of the majority co-producer.

6. The shooting on location in a third country of exteriors or of scenes in temporary sets may be permitted if the plot of the film or the technical conditions for its production so require.

7. The film must have a French original or dubbed version and a German original or dubbed version. These versions may include dialogue in another language if the script so requires.

Article 5. 1. Each co-producer shall be co-proprietor of the original negative (picture and sound), irrespective of where the negative is kept. Each co-producer shall be entitled to an inter-negative in his own language. The making of an inter-negative in a third language shall require the agreement of both co-producers.

2. The negative shall be developed at a laboratory in the majority country where the prints intended for use in that country shall also be made. The prints intended for use in the minority country shall be made at a laboratory in the minority country. Each co-producer shall be entitled to have the prints needed for his market made.

3. Any derogation from this principle shall be permissible only for technical reasons or for reasons of reciprocity.

Article 6. 1. Receipts shall be divided in proportion to the financial contribution of each co-producer.

2. Subject to the approval of the authorities of the two countries, such division may take the form of either a sharing of receipts or a geographical division, or a combination of the two.

3. Unless otherwise agreed, export arrangements for co-production films shall be made by the majority co-producer. In the event of difficulties in a particular country, the export arrangements shall be made by the co-producer having the better export opportunities in that country. Every export contract negotiated by a co-producer shall require the agreement of the other co-producer, on the terms and within the time-limits specified in the co-production contract.

Article 7. 1. Credits, trailers and advertising material for co-production films must indicate that the film is a co-production made by producers of the two countries.

2. Co-production films shall be shown at festivals in the name of the country of the majority co-producer, unless the co-producers decide otherwise and their decision is approved, in France, by the competent authorities.

Article 8. 1. The authorities of the two countries shall approve the co-production of films under the terms of this Agreement by producers of the French

Republic and the Federal Republic of Germany and of countries with which either of them has co-production agreements, subject to observance of the provisions of article 3(1) and article 4.

2. The financial participation of the minority co-producer of a co-production film made in accordance with paragraph 1 of this article may be reduced to 20 per cent, provided that the total cost of production is more than 2 million Deutsche Mark.

3. Technical and artistic participation must include at least one writer or one qualified technician and, preferably, one performer in a leading role or, failing that, one performer in an important role.

Article 9. 1. The co-production of short films may be authorized by the competent authorities of the two countries after a case-by-case consideration of the individual projects.

2. Such films must be produced under a financially balanced bilateral co-production arrangement. They must include the participation of an artistic collaborator (director or cameraman) from each of the two countries.

Article 10. Every facility shall be afforded for the travel and sojourn of artistic and technical personnel working on co-production films and for the import of material needed for the making and exploitation of the films (raw film, technical material, costumes, sets and advertising material).

Article 11. Applications for authorization of co-production shall be submitted to the competent authorities of each of the two countries in accordance with the implementation procedure annexed to this Agreement.

Article 12. 1. The competent authorities of the two countries shall communicate to each other full information concerning the granting, denial, amendment or cancellation of co-production authorizations.

2. Before any application for authorization of co-production is denied, the competent authorities of the two countries must consult together.

B. EXCHANGE OF FILMS

Article 13. 1. Subject to the laws and regulations at present in force, no restriction shall be placed in either country on the export, import and exploitation of films of national origin.

2. All films imported from one country to the other shall be accompanied by a certificate of national origin issued, in France, by the Centre national de la cinématographie and, in the Federal Republic of Germany, by the Bundesamt für gewerbliche Wirtschaft.

C. GENERAL PROVISIONS

Article 14. 1. A Mixed Commission composed of representatives of the ministries concerned and governmental and professional experts of the two countries shall be established for the purpose of observing and facilitating the implementation of this Agreement and, if necessary, suggesting amendments to it.

2. For such time as this Agreement remains in force, the Commission shall meet each year, alternately in the French Republic and the Federal Republic of Germany; it may also be convened at the request of either Contracting Party, especially

in the event of any substantial amendment to either the laws or the regulations applicable to the film industry.

Article 15. This Agreement shall also apply to *Land Berlin*, provided that the Government of the Federal Republic of Germany has not delivered a contrary declaration to the Government of the French Republic within three months from the date of entry into force of this Agreement.

Article 16. 1. The two Governments shall notify each other of their approval of this Agreement, which shall enter into force 30 days after the last of the notifications; until that time, the Agreement of 22 April 1965 shall remain in force.

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

IN WITNESS WHEREOF the representatives of the two Governments, being duly authorized thereto, have signed this Agreement.

DONE at Paris on 5 December 1974 in duplicate, in the French and German languages, both texts being equally authentic.

For the Government of the French Republic:

[Signed]

B. DESTREMAU

State Secretary, Ministry of Foreign Affairs

For the Government of the Federal Republic of Germany:

[Signed]

SIGISMUND Freiherr v. BRAUN

Ambassador of the Federal Republic of Germany

A N N E X

TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING FRANCO-GERMAN RELATIONS IN RESPECT OF FILMS

IMPLEMENTATION PROCEDURE

Applications for the granting of privileges under the Agreement concerning Franco-German relations in respect of films must be submitted to the competent authorities of the two countries not later than four weeks before the shooting of the film is to begin.

The competent authority of the country of the majority co-producer shall transmit to the competent authority of the country of the minority co-producer copies of the documents accompanying the application and shall notify it, not later than two weeks before the shooting of the film is to begin, of any reasons why authorization should not be granted.

Applications must be accompanied by documents drawn up in the national language of each of the competent authorities. These documents shall comprise the following:

- I. a detailed treatment of between 60 and 80 pages;
- II. a document evidencing that the film rights have been lawfully acquired or, failing that, a valid option;

- III. four copies of the co-production contract, which must include a clause stating that it is subject to the approval of the competent authorities of the two countries. The contract must specify the amount of the financial contributions of the co-producers and the division of receipts and markets;
- IV. a detailed cost estimate and financing plan;
- V. a list of the technical and artistic personnel, indicating their nationality;
- VI. a production schedule, together with an indication of the number of weeks of shooting (studio scenes and exteriors) and the places where the film will be shot.

The competent authorities of the two countries may also require the submission of any additional documents or particulars that are deemed necessary. The scenario and dialogue of the film must be submitted by the co-producer to the competent authority of his country not later than one week before shooting is to begin.

[SIGISMUND Freiherr v. BRAUN]

[B. DESTREMAU]
