

**No. 16189**

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**FRANCE  
and  
SWITZERLAND**

**Agreement on cinematographic relations (with annex).  
Signed at Bern on 22 June 1977**

*Authentic text: French.*

*Registered by France on 29 December 1977.*

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**FRANCE  
et  
SUISSE**

**Accord sur les relations cinématographiques (avec annexe).  
Signé à Berne le 22 juin 1977**

*Texte authentique : français.*

*Enregistré par la France le 29 décembre 1977.*

[TRANSLATION — TRADUCTION]

## AGREEMENT<sup>1</sup> ON CINEMATOGRAPHIC RELATIONS BETWEEN FRANCE AND SWITZERLAND

The Government of the French Republic and the Swiss Federal Council, desiring to facilitate the co-production of films and to develop the exchange of films between the two countries, have agreed as follows:

### I. CO-PRODUCTION

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

They shall enjoy as of right the resulting advantages under provisions which are or may hereafter be 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 National Centre for Cinematography;

In Switzerland: the Federal Department of the Interior, Federal Office of Cultural Affairs, Cinema Section.

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 the national authority.

3. Each co-production film shall comprise two negatives or one negative and one duplicate or inter-negative.

Each producer shall be the owner of one negative or of one duplicate or inter-negative. If there is only one negative, each co-producer shall have unrestricted access to that negative.

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

- each co-production film must involve effective artistic and technical participation by both sides;
- the respective financial contributions of the producers of the two countries to each film may vary between 20 and 80 per cent.

5. Films must be made by directors, technicians and artists possessing French nationality or resident status in the case of the French Republic or possessing Swiss nationality or a Swiss alien residence permit in the case of the Swiss Confederation.

By way of exception, the participation of performers not possessing the nationality of either country may be permitted.

6. A balance must, in principle, be achieved in the use of the technical facilities of the two countries (studios and laboratories).

Studio and laboratory work shall be performed in the territories of the Contracting Parties, except where this is technically impossible with the equipment existing in those territories.

<sup>1</sup> Entered into force provisionally from 22 June 1977, the date of signature, in accordance with part III, paragraph 16 (1).

The Mixed Commission provided for in article 15 of this Agreement shall examine whether such a balance has been maintained and, if it has not, shall decide what measures are deemed necessary to restore parity between the Contracting Parties.

7. 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, or a combination of the two taking into account the difference in size between the markets of the signatory countries.

8. Export arrangements for co-production films shall, in principle, be made by the majority co-producer.

In the case of films in which there is equal participation by the two countries, 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.

If films of one of the co-producing countries are freely admitted to the importing country, co-production films shall enjoy as of right the same facility on an equal footing with national films.

9. As regards the co-production of short films, short films shall be defined as those not exceeding 1,600 metres in length in the case of 35 mm films or the corresponding length in the case of films of other widths.

Each film must be made on an artistically, technically and financially balanced co-production basis.

10. Credits, trailers and advertising material for co-production films shall indicate that the film is a Franco-Swiss co-production.

Co-production films shall be presented at festivals by the country of the majority co-producer, unless other arrangements are made by the co-producers and approved by the competent authorities of the two countries.

11. The competent authorities of the two countries shall give favourable consideration to the making of co-production films by the French Republic, the Swiss Confederation and countries with which either of them has co-production agreements.

The terms of approval of such films shall be considered on a case-by-case basis.

12. Subject to the laws and regulations in force, 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 showing of co-production films (raw film, technical material, costumes, sets, advertising material, etc.).

## II. EXCHANGE OF FILMS

13. Subject to the laws and regulations in force, no restriction shall be imposed by either Party on the sale, import and showing of prints of national films.

Each Contracting Party shall provide every facility within its country for the distribution of national films of the other country.

Transfers of receipts from the sale and showing of films imported under this Agreement shall be made in accordance with the contracts concluded between the two Parties and with the regulations in force in each country.

### III. GENERAL PROVISIONS

14. 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 cinematographic relations between the two countries.

15. A Mixed Commission shall have the task of considering the conditions of application of this Agreement, resolving any difficulties and studying such amendments as may be desirable with a view to developing cinematographic co-operation 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 in Switzerland; it may also be convened at the request of either Contracting Party, particularly in the event of substantial changes in either the laws or the regulations applicable to the film industry.

16. (1) This Agreement shall enter into force provisionally as from the date of signature.

(2) The Government of each Contracting State shall notify the other of the completion of the constitutional procedures required, in its case, for the entry into force of this Agreement. The Agreement shall enter into force thirty (30) days after the date of the second such notification.

(3) This Agreement is concluded for a period of two years from the date of its entry into force and shall thereafter be automatically extended for like periods unless denounced by one of the Contracting Parties three months before the date of its expiry.

DONE at Bern on 22 June 1977.

For the Government  
of the French Republic:

[Signed]

CLAUDE LABEL

For the Government  
of the Swiss Confederation:

[Signed]

PIERRE GRABER

### 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 shooting script;
- a document showing that copyright has been acquired;
- the co-production contract concluded between the co-producing companies;
- a cost estimate and a detailed financing plan;
- a list of the technical and artistic contributions to be made by the two countries;
- a production schedule.

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