

No. 20776

**FRANCE
and
PORTUGAL**

**Agreement concerning cinematography (with annex).
Signed at Paris on 10 October 1980**

Authentic texts: French and Portuguese.

Registered by France on 25 February 1982.

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et
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**Accord cinématographique (avec annexe). Signé à Paris le
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Enregistré par la France le 25 février 1982.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ CONCERNING CINEMATOGRAPHY BETWEEN FRANCE AND PORTUGAL

The Government of the French Republic,
The Government of the Portuguese Republic,

Desiring to facilitate the making on a co-production basis of films which, by virtue of their artistic and technical qualities, are likely to enhance the prestige of their countries, and to develop the exchange 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 in accordance with the legislative and regulatory provisions applicable in their countries.

They shall enjoy as of right the resulting advantages reserved for national films 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 Portugal: the Portuguese Cinema Institute.

Article 2. In order to enjoy co-production privileges, films must be made by producers who have an organization and experience recognized by the national authority.

Article 3. Producers of each of the two countries shall submit for approval their co-production requests in accordance with the application procedure set forth in the annex to this Agreement, which shall become an integral part of said Agreement.

Approval for co-production of a given film by the competent authorities of each of the two countries may not be subject to the presentation of printed elements of the said film.

When the competent authorities of the two countries have given their approval for the co-production of a given film, such approval may not be subsequently withdrawn except by agreement between the said competent authorities.

Article 4. The respective contributions of the producers of the two countries to a co-production film may vary between 30 and 70 per cent; however, with the agreement of the competent authorities of the two countries, the contribution of the minority co-producer may be reduced to 20 per cent.

¹ Came into force on 1 October 1981, i.e., the first day of the second month following the date of the last of the notifications (effected on 27 February and 11 August 1981) by which the Parties informed each other of its approval, in accordance with article 17.

In principle, an overall balance must be achieved between the two countries concerning both the respective contributions and the participation of actors and technicians.

Films must be made by directors, technicians and performers who are either French nationals or residents in France, or Portuguese nationals or aliens residing and working regularly in Portugal.

The participation of performers who are not nationals of either of the States referred to in the preceding paragraph may be permitted, taking into account the requirements of the film, after agreement between the competent authorities of the two countries.

Article 5. Studio scenes must be shot and films must be scored and developed in accordance with the following provisions.

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

Each co-producer shall, in any event, 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. If one of the co-producers renounces this entitlement, the negative shall be kept in a place chosen by common agreement between the co-producers.

In principle, 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 that country.

Article 6. The competent authorities of the two countries shall determine periodically whether the balance in contributions, at the artistic and technical levels, between the two countries, resulting from the provisions of this Agreement has been maintained and, failing such a balance, shall take the necessary corrective measures.

Article 7. Receipts shall be divided in principle in proportion to the total contribution of each co-producer. The financial provisions adopted by the co-producers and the areas for sharing of receipts shall be submitted for approval to the competent authorities of the two countries.

Article 8. Except where the co-production contract has provisions to the contrary, export arrangements for co-production films shall, in principle, be made by the majority co-producer with the agreement of the minority co-producer.

In the case of films with equal participation, export arrangements shall, unless otherwise agreed between the Parties, be handled by the co-producer having the same nationality as the director. In the case of exportation to countries which impose import restrictions, the film shall, to the extent possible, be charged against the quota of that of the two countries associated in co-production which enjoys the most favourable treatment.

Article 9. Credits, trailers and advertising material for co-production films shall indicate that the film is a Franco-Portuguese co-production.

Article 10. In festivals and competitions, co-production films shall be presented with the nationality of the State of the majority co-producer, unless

other arrangements are made by the co-producers and approved by the competent authorities of the two countries.

Article 11. As regards the co-production of short films, each film must be on the whole artistically, technically and financially balanced.

Article 12. The competent authorities of the two countries shall give favourable consideration case by case to the making of co-production films by France, Portugal and countries with which either of them has co-production agreements.

Article 13. Subject to the laws and regulations in force, every facility shall be afforded for travel and sojourn of artistic and technical personnel working on co-production 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

Article 14. Subject to the laws and regulations in force, no restrictions shall be imposed by either Party on the sale, import, showing and, generally, the dissemination of prints of national films.

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 producers and with the legislation and regulations in force in each country.

III. GENERAL PROVISIONS

Article 15. The competent authorities of the two countries shall communicate to each other full information on financial and technical matters concerning co-productions and exchanges of films and, in general, all particulars concerning cinematographic relations between the two countries or amendments to legislation or regulations that may affect them.

Article 16. The competent authorities of the two countries shall consider, if necessary, the conditions of application of this Agreement with a view to resolving any difficulties arising from the implementation of its provisions. They shall study such amendments as may be desirable with a view to developing cinematographic co-operation in the common interest of the two countries.

They shall meet, within the framework of a mixed cinematographic commission, at the request of either of them, particularly in the event of substantial changes in either the laws or regulations applicable to the film industry.

Article 17. The two Governments shall notify each other of their approval of this Agreement; it shall enter into force on the first day of the second month following the date of the second such notification.

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

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their Governments, have signed this Agreement.

DONE at Paris, on 10 October 1980 in duplicate, in the French and Portuguese languages, both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

PIERRE VIOT
Director General
of the National Centre
for Cinematography

For the Government
of the Portuguese Republic:

[Signed]

MIGUEL DE SÁ DA BANDEIRA
President of the Portuguese
Cinema Institute

ANNEX

APPLICATION PROCEDURE

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

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

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