

No. 20779

FRANCE
and
FEDERAL REPUBLIC OF GERMANY

Agreement concerning the promotion of film co-production projects (with annex). Signed at Paris on 5 February 1981

Authentic texts: French and German.

Registered by France on 25 February 1982.

FRANCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Accord relatif à la promotion de projets de coproduction cinématographique (avec annexe). Signé à Paris le 5 février 1981

Textes authentiques : français et allemand.

Enregistré par la France le 25 février 1982.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE PROMOTION OF FILM CO-PRODUCTION PROJECTS

The Government of the French Republic and the Government of the Federal Republic of Germany,

Desiring to continue to develop European co-operation in respect of films through concrete action to promote works of quality respecting the specific nature of each country's culture,

Aware of the desirability of making available to that end means and procedures for facilitating the participation of other States members of the European Economic Community in a system for promoting co-production projects based on the principles laid down in this Agreement,

Have agreed as follows:

Article 1. (1) Full-length film co-production projects may receive additional assistance of an equivalent amount in each of the two States under the domestic provisions applying in respect of selective assistance for production. The film projects must be in the common interest of the two States and contribute to the quality of film production.

(2) Each of the two States must assist annually an identical number of majority participation projects. Every year in each of the two States, one minority co-production project under domestic law shall be regarded as a majority participation project:

1. If the director is a national of the minority participation State and
2. When the condition set forth in the first sentence of this paragraph cannot be fulfilled otherwise.

(3) The amount of the assistance and the maximum number of film projects to be assisted annually under this Agreement are specified in its annex. They may be amended by mutual agreement between the Minister for Cultural Affairs and Communications of the French Republic and the Minister for Economic Affairs of the Federal Republic of Germany.

Article 2. (1) A Franco-German commission shall be established in order to consider projects which may receive assistance in accordance with article 1. It shall be composed of three representatives of each of the following two commissions:

—For the French party, the competent commission for promoting the production of full-length films of the Centre national de la cinématographie;

¹ Came into force on 22 July 1981, i.e., 30 days after the date of the last of the notifications (effected on 23 April and 22 June 1981) by which the Parties informed each other that it had been approved, in accordance with article 7 (1).

—For the German party, the Vergabekommission der Filmförderungsanstalt.

The Commission shall formulate for the competent authorities of each of the two States recommendations on decisions to be taken on assistance to projects.

(2) In principle, the Commission for considering projects shall meet bi-annually, alternately in France and the Federal Republic of Germany. In the interim, the Commission may adopt a simplified procedure for considering urgent projects.

(3) Decisions on the granting of assistance provided for under this Agreement shall be taken by the competent authorities in accordance with the domestic provisions in force. The competent authority of the majority participation State shall immediately inform the competent authority of the minority participation State of its views. The granting of assistance shall imply that the authorities of the two States have decided to promote the project.

Article 3. The modalities for granting assistance shall be determined according to guidelines laid down by the competent authorities of the two States. They shall reach agreement on the adoption of these guidelines within a period of three months after the entry into force of this Agreement. In drawing up the guidelines care must be taken to ensure that the number of majority participation projects assisted is in keeping with the provisions of the first sentence of article 1, paragraph 2, and that the total amount of annual credits allocated for assistance is not already earmarked during the first half of each year.

Article 4. The two Governments shall review the provisions of this Agreement when one or several States members of the European Economic Community demonstrate their desire to participate in the system provided for under this Agreement in accordance with the principles set forth in articles 1 to 3.

Article 5. (1) In respect of co-production projects which are of particular importance for Europe and entail high production costs, the minimum rate of financial participation by the minority co-producer may be set at 20 per cent by agreement between the competent authorities of the two States.

(2) The level of the production costs in paragraph 1 referred to above is specified in the annex to this Agreement.

Article 6. 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 7. (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.

(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.

DONE at Paris on 5 February 1981 in duplicate, in the French and German languages, both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

JEAN FRANÇOIS-PONCET

For the Government
of the Federal Republic of Germany:

[Signed]

HANS-DIETRICH GENSCHER

ANNEX

Provisions relating to article 1, paragraph 3, first sentence

(1) The amount of assistance accorded to Franco-German co-production film projects shall be as follows:

- For each project, an amount ranging from FF 230,000 to FF 460,000 for the French share, and an amount ranging from DM 100,000 to DM 200,000 for the German share;
- Annually, an overall amount of FF 1,750,000 for the French share, and DM 750,000 for the German share.

(2) The maximum number of films which may receive assistance is set at six per year.

Provisions relating to article 5, paragraph 2

The production costs referred to in article 5, paragraph 2, must not be lower than FF 7 million for the French side and DM 3 million for the German side.
