

No. 27587

**SPAIN
and
PORTUGAL**

**Agreement on cinematographic relations (with annex).
Signed at Madrid on 8 February 1989**

Authentic texts: Spanish and Portuguese.

Registered by Spain on 24 October 1990.

**ESPAGNE
et
PORTUGAL**

**Accord sur les relations cinématographiques (avec annexe).
Signé à Madrid le 8 février 1989**

Textes authentiques : espagnol et portugais.

Enregistré par l'Espagne le 24 octobre 1990.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON CINEMATOGRAPHIC RELATIONS BETWEEN
THE KINGDOM OF SPAIN AND THE PORTUGUESE REPUBLIC

The Kingdom of Spain and the Portuguese Republic,

Aware that co-productions can contribute to the development of both their film industries and to the growth of economic and cultural exchanges between the two countries,

Resolved to encourage the development of cinematographic cooperation between Spain and Portugal,

Have agreed as follows:

Article I

For the purposes of this Agreement, the term “film” includes cinematographic works of any length and using any technical medium, including fictional films, animated productions and documentaries, produced in accordance with the provisions in force in each country and for primary distribution to cinemas in both countries.

Films co-produced and qualified under this Agreement shall be considered both Spanish and Portuguese productions and shall be fully entitled to the benefits resulting from the provisions in force or to be enacted by each country.

These benefits shall accrue solely to the producer of the country that grants them.

Films to be co-produced by the two countries must be approved, after consultation between the competent authorities:

In Spain: by the Instituto de la Cinematografía y de las Artes Audiovisuales.

In Portugal: by the Portuguese Cinema Institute.

Article II

In order to qualify for the benefits of co-production, films must be made by producers whom the competent national authorities mentioned in article I consider to have good technical organization, sound financial backing and recognized professional standing.

Article III

Applications for co-production privileges submitted by producers from each of the two countries must, in order to be approved, be drawn up in accordance with the application procedure set forth in the annex to this Agreement, which forms an integral part thereof.

A co-production shall be recognized as such provided that it is made in conformity with the project proposal.

¹ Came into force on 1 August 1990, the date of the last of the notifications (of 28 June and 1 August 1990) by which the Parties informed each other of the completion of the required procedures, in accordance with article XVI.

Article IV

The proportion of the respective contributions of the co-producers from the two countries may vary from 20 (twenty) to 80 (eighty) per cent for each film.

The minority co-producer shall be required to make an effective technical and creative contribution. In principle, the contribution of the minority co-producer in creative staff, technicians and actors shall be in proportion to his investment. In exceptional circumstances, departures herefrom may be made through agreement between the competent authorities of both countries.

Creative staff shall mean those who act in an authorial capacity (author of any pre-existing work, writer of the script or screen adaptation, director, music composer), as well as the chief editor, the director of photography and the art director. The contribution of each member of the creative staff shall be considered individually. In principle, each country's contribution must include the participation of at least two of the above-mentioned creative staff (or only one in the case of the director), one actor in a leading role and one actor in a supporting role.

Article V

The films must be made by Spanish or Portuguese directors or directors who are residents of Spain or Portugal, with the participation of technicians and performers who are of Spanish or Portuguese nationality or residents of Spain or Portugal.

If the film so requires, the participation of performers and technicians other than those mentioned in the preceding paragraph may be permitted by agreement between the competent authorities of the two countries. This option also applies to directors.

When all or part of the film is shot in a third country, preference shall be given to production staff from the two countries parties to this Agreement.

Article VI

The two Contracting Parties shall view with interest the co-production of films by Spain, Portugal and other countries to which either of the two parties is bound by a co-production agreement.

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

No minority contribution to such films shall be less than 20 (twenty) per cent of the budget, unless an exception is granted.

Article VII

A balance must be achieved with respect both to participation by creative staff, technicians and actors and to the financial and technical resources of the two countries (studios and laboratories).

The Joint Commission referred to in article XVI of this Agreement shall determine whether such a balance has been achieved and shall decide what measures are necessary to correct any imbalance.

Article VIII

Studio scenes shall be shot and sound and laboratory work shall be carried out in accordance with the following provisions: