

No. 48717

**South Africa
and
France**

Agreement between the Government of the Republic of South Africa and the Government of the French Republic concerning the co-production of films (with annexes). Cannes, 16 May 2010

Entry into force: *1 November 2010 by notification, in accordance with article 23*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *South Africa, 14 July 2011*

**Afrique du Sud
et
France**

Accord de coproduction cinématographique entre le Gouvernement de la République sud-africaine et le Gouvernement de la République française (avec annexes). Cannes, 16 mai 2010

Entrée en vigueur : *1^{er} novembre 2010 par notification, conformément à l'article 23*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 14 juillet 2011*

AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

AND

**THE GOVERNMENT OF THE
FRENCH REPUBLIC**

CONCERNING

THE CO-PRODUCTION OF FILMS

PREAMBLE

The Government of the Republic of South Africa and the Government of the French Republic (hereinafter jointly referred to as the “Parties” and separately as a “Party”),

CONSIDERING the adoption by United Nations Educational, Science and Cultural Organisation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and its ratification by the French Republic on the 18th of December 2006 and the Republic of South Africa on the 20th of October 2005;

SEEKING to enhance co-operation between the two countries in the area of film;

DESIROUS of expanding and facilitating the co-production of films which may be conducive to the film industries of both countries and to the development of their cultural and economic exchanges;

CONVINCED that these exchanges will contribute to the enhancement of relations between the two countries; and

TAKING into account the Cooperation Agreement on Cinema signed on the 18th of May 2004;

HEREBY AGREE as follows:

ARTICLE 1

Definitions

In this Agreement:

“**film**” means a film of any length and on any medium regardless of the type of film (fiction, animation, documentary) complying with the applicable statutory and regulatory provisions of each Party, the first showing of which is in cinemas;

“co-production film” means a film which is approved by the Competent Authorities and has been made by one or more South African co-producers with one or more French co-producers or in the case of a third party co-production, with a third country co-producer; and

“third party co-producer” means any individual from another country with which the French Republic or the Republic of South Africa maintains a film co-production agreement as referred to in Article 6.

ARTICLE 2

Competent Authorities

For the purposes of the implementation of this Agreement the Competent Authorities shall be-

- (a) in the case of the Republic of South Africa, the National Film and Video Foundation; and
- (b) in the case of the French Republic, the Centre national du cinema et de l'image animée.

ARTICLE 3

National Status of Participants

- (1) Individuals participating in the production of a film must be nationals or permanent residents of the Republic of South Africa and French Republic.
- (2) In the case of the Republic of South Africa, national means-
 - (a) a citizen of the Republic of South Africa; or
 - (b) a permanent resident of the Republic of South Africa.
- (3) In the case of French Republic, national means-
 - (i) a citizen of the French Republic;
 - (ii) a permanent resident of the French Republic; or
 - (iii) a citizen of a Member State of the European Union or a European Economic Area State.

ARTICLE 4

Recognition of National Films and Entitlement to Benefits

- (1) Subject to the approval of both Competent Authorities, a film co-produced in compliance with this Agreement shall be deemed to be a national film in the territory of the Parties and shall be fully entitled to all the benefits which are or may be accorded to national films by each of the Parties under the domestic law in force in their respective countries.
- (2) The Competent Authority of each Party shall provide to the Competent Authority of the other Party a list of provisions concerning these benefits. If the provisions concerning these benefits are changed in any way by either Party, the Competent Authority of that Party shall inform the Competent Authority of the other Party of the details of such change.
- (3) Any benefit referred in sub-Article 4 (1) shall accrue to the co-producer who is permitted to claim those benefits in accordance with the domestic law of that Party.

ARTICLE 5

Approval of Co-production Films

- (1) Co-production films shall require joint approval of the Competent Authorities prior to the commencement of shooting. Approvals shall be in writing and shall specify the conditions upon which it is granted and shall satisfy the minimum requirements set forth in Annex 1 of this Agreement.
- (2) The Competent Authorities of both Parties shall exchange all information concerning the approval, rejection, change or withdrawal of any application for approval of the co-production. Before an application for approval is rejected, the Competent Authorities shall consult with each other. Once the Competent Authorities of both Parties have approved the co-production of a film, such approval may not be later revoked without the consent of both Competent Authorities. The approval of the co-production by the Competent Authorities shall not be related in any way to the film rating systems of either Party.