

No. 53741*

**Spain
and
Israel**

Agreement on film co-production between the Kingdom of Spain and the Government of the State of Israel (with annex). Madrid, 17 December 2012

Entry into force: *provisionally on 17 December 2012 and definitively on 30 June 2016, in accordance with article 16*

Authentic texts: *English, Hebrew and Spanish*

Registration with the Secretariat of the United Nations: *Spain, 17 June 2016*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Espagne
et
Israël**

Accord sur la coproduction cinématographique entre le Royaume d'Espagne et le Gouvernement de l'État d'Israël (avec annexe). Madrid, 17 décembre 2012

Entrée en vigueur : *provisoirement le 17 décembre 2012 et définitivement le 30 juin 2016, conformément à l'article 16*

Textes authentiques : *anglais, hébreu et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Espagne, 17 juin 2016*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
ON
FILM CO- PRODUCTION
BETWEEN
THE KINGDOM OF SPAIN
AND
THE GOVERNMENT OF THE STATE OF ISRAEL**

The Kingdom of Spain and the Government of the State of Israel hereinafter referred to as "the Parties";

Mindful of the fact that mutual cooperation may serve the development of film production and encourage the further development of the cultural and technological ties between the two countries;

Considering that co-production may benefit the film industries of their respective countries and contribute to the economic growth of the film, television, video and new media production and distribution industries in Spain and in Israel;

Noting their mutual decision to establish a framework for encouraging all audio- visual media output, especially the co- production of films;

Recalling the Agreement between the Kingdom of Spain and the Government of the State of Israel on Cooperation in Culture signed in Madrid on February 9th, 1987 and in particular Articles VI and XII thereof;

Have therefore agreed as follows:

Article 1

For the purpose of this Agreement:

- (1) "**co-production**" or "**co-production film**" means a cinematographic work, with or without accompanying sounds, regardless of length or genre, including fiction, animation and documentary productions, made by an Israeli co-producer and a Spanish co-producer, produced in any format that is destined, primarily, for commercial exploitation

in cinemas, as well as movies at least 60 minutes long, documentaries and animation series for TV;

- (2) "**Spanish co-producer**" means the Spanish person or entities by whom the arrangement necessary for the making of the film are undertaken;
- (3) "**Israeli co-producer**" means the Israeli person or entities by whom the arrangement necessary for the making of the film are undertaken;
- (4) The "**Competent Authorities**" means both Competent Authorities responsible for the implementation of this Agreement or either Competent Authority in regard to its own country, as the case may be. The Competent Authorities are:
 - For the Spanish side: the Institute of Cinematography and Audiovisual Arts (Instituto de la Cinematografía y de las Artes Audiovisuales) and the competent authorities of the Autonomous Communities where applicable;
 - For the Israeli side: the Ministry of Culture and Sports or its designee(s).

Article 2

- (1) Films to be co-produced pursuant to this Agreement by the two countries must be approved by the competent authorities.
- (2) Any co-production produced in pursuance of this Agreement shall be considered by the Competent Authorities as a national film, subject, respectively, to the domestic legislation of each Party. Such co-productions shall be entitled to the benefits to which the film production industry is entitled by virtue of each Party's domestic legislation or to those benefits which may be decreed by each Party. These benefits accrue solely to the co-producer of a country that grants them.
- (3) Failure of a Party's co-producer to fulfill the conditions according to which that Party has approved a co-production or a material breach of the co-production agreement by a Party's co-producer may result in that Party revoking the co-production status of the production and the attendant rights and benefits.

Article 3

- (1) In order to qualify for the benefits of co-production, the co-producers shall provide evidence that they have the adequate technical organization, financial support, recognized professional standing and qualifications to bring the production to a successful conclusion.
- (2) Approval shall not be given to a project where the co-producers are linked by common management or control, except to the extent that such an association has been established specifically for the purpose of the co-production film itself.

Article 4

- (1) Co-production films shall be made, processed, dubbed or subtitled, up to creation of the first release print in the countries of the participating co-producers. However, if a scenario or the subject of the film so requires, location shooting, exterior or interior, in a country not participating in the co-production may be authorized by the Competent Authorities. Similarly, if processing, dubbing or subtitling services of satisfactory quality are not available in a country participating in the co-production, the Competent Authorities may authorize the procurement of such services from a supplier in a third country.
- (2) The producers, authors, scriptwriters, performers, directors, professionals and technicians participating in co-productions, must be citizens or permanent residents of the Kingdom of Spain or of the State of Israel in accordance, respectively, with the domestic legislation of the Parties.
- (2) Should the co-production so require, the participation of professionals who do not fulfill the conditions provided by paragraph (2) may be permitted, in exceptional circumstances, and subject to the approval of the Competent Authorities.
- (3) Use of any other languages in a co-production other than the languages permitted according to the legislation of the Parties may be added to the co-production if the screenplay requires it.

Article 5

- (1) The respective contributions of the producers of the two countries may vary from twenty (20) to eighty (80) per cent for each co-production film. In addition, the co-producers shall be required to make an effective technical and creative contribution, proportional to their financial investment in the co-production film. The technical and creative contribution should be comprised of the combined share of authors, performers, technical-production personnel, laboratories and facilities.

The contribution made by the minority co-producer will include at least an author's participation (director, screenwriter, photography director or music composer), as well as two actors and a head of department.

- (2) In the event that the Spanish co-producer or the Israeli co-producer is composed of several production companies, the contribution of each company shall not be less than five (5) per cent of the total budget of the co-production film.
- (3) When Spain or Israel maintains an audio-visual co-production agreement with a third country, the competent authorities shall, by virtue of this Agreement, be able to approve a co-production project to be produced with the participation of a co-producer from that third party, whose contribution may be no greater than 30% of the total investment. The conditions for the acceptance of these films shall be examined on a case by case basis.
- (4) In the case of multi-party co-productions, the smallest participation cannot be below 10% (ten percent) and the largest shall not exceed 70% (seventy percent) of the total investment.
- (5) The Parties shall do their utmost to maintain an overall balance between the two countries in the participation of the creative, technical and performing artists and the financial and technical resources (studios, laboratories and post-production).