

No. 54706*

**Israel
and
Ukraine**

Agreement on film co-production and cooperation between the Government of the State of Israel and the Cabinet of Ministers of Ukraine (with annex). Jerusalem, 22 December 2015

Entry into force: *15 May 2017 by notification, in accordance with article 18*

Authentic texts: *English, Hebrew and Ukrainian*

Registration with the Secretariat of the United Nations: *Israel, 28 September 2017*

**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.*

**Israël
et
Ukraine**

Accord de coproduction et de coopération cinématographiques entre le Gouvernement de l'État d'Israël et le Cabinet des Ministres de l'Ukraine (avec annexe). Jérusalem, 22 décembre 2015

Entrée en vigueur : *15 mai 2017 par notification, conformément à l'article 18*

Textes authentiques : *anglais, hébreu et ukrainien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Israël, 28 septembre 2017*

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**AGREEMENT
ON
FILM CO-PRODUCTION AND COOPERATION
BETWEEN
THE GOVERNMENT OF THE STATE OF ISRAEL
AND
THE CABINET OF MINISTERS OF UKRAINE**

The Government of the State of Israel and the Cabinet of Ministers of Ukraine, hereinafter referred to as the "Parties";

Mindful of the importance of cooperation for the development of film co-production, enhancement of cultural and technological ties and strengthening friendly relations between the two States;

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

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

With the purpose of establishing the legal base for the further development of cooperation and film co-production between Ukraine and Israel on the principles of equality and mutual benefits according to legislation and international agreements in force for the States of the Parties;

Have 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 Ukrainian co-producer and an Israeli co-producer, produced in any format, for distribution through any venue or medium, including cinemas, theatres, television, Internet, videocassette, videodisc, CD-ROM or any similar means, as well as future forms of cinematographic production and distribution, which complies with the legislation in force governing the film industry in each of the States of the Parties;
- (2) **"Ukrainian co-producer"** means the Ukrainian person or entities by whom the arrangement necessary for co-production of the film are undertaken;
- (3) **"Israeli co-producer"** means the Israeli person or entities by whom the arrangement necessary for co-production of the film are undertaken;
- (4) **"Competent Authorities"** means both Competent Authorities responsible for the implementation of this Agreement or either Competent Authorities in regard to their own States of the Parties, as the case may be. The Competent Authorities are:

- For the Ukrainian Party: the State Film Agency of Ukraine;
- For the Israeli Party: the Ministry of Culture and Sport.

In case the Competent Authority had been changed, the relevant Party shall inform accordingly the other Party in writing through the diplomatic channels.

Article 2

- (1) Films to be co-produced pursuant to this Agreement by the two States must be approved by the Competent Authorities.
- (2) Films qualified as co-production in pursuance of this Agreement shall be entitled to the benefits granted to national films subject to the legislation in force in each of the States which accrue to the co-producer of the State that grants them.
- (3) Applications for qualification of a film for co-production status and the attendant rights and benefits must comply with the rules of procedure laid down in the Annex to this Agreement.
- (4) 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 contract 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 proper technical organization, adequate 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 participating States. 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 the States participating in the co-production, the Competent Authorities may authorize the procurement of

such services from a third country.

- (2) The producers, authors, scriptwriters, performers, directors, other professionals and technicians participating in co-productions, must be citizens or permanent residents of Ukraine or of the State of Israel in accordance, respectively, with the domestic legislation of the States of the Parties.
- (3) Should the co-production so require, the participation of professionals who do not fulfill the conditions provided by paragraph (2) of this Article may be permitted, in exceptional circumstances, and subject to the approval by the Competent Authorities.
- (4) Use of any languages in a film co-production other than the languages permitted according to the legislation of the States of the Parties may be added to the co-production if the script requires it.

Article 5

- (1) The respective contributions of the co-producers of the States of the Parties 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.
- (2) Any exception to the abovementioned principles must be approved by the Competent Authorities, who may, in special cases, authorize that the respective contributions by the co-producers of the two countries vary from ten (10) to ninety (90) per cent.
- (3) In the event that the Ukrainian 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.
- (4) In the event that a producer from a third country is authorized to participate in the co-production, its contribution shall not be less than ten (10) per cent. In the event that the co-producer from a third country 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.