

No. 54754*

**Ireland
and
Canada**

Audiovisual Co-Production Treaty between the Government of Ireland and the Government of Canada. Ottawa, 4 February 2016

Entry into force: *1 July 2016, in accordance with article 15*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Ireland, 1 November 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.*

**Irlande
et
Canada**

Traité de co-production audiovisuelle entre le Gouvernement de l'Irlande et le Gouvernement du Canada. Ottawa, 4 février 2016

Entrée en vigueur : *1^{er} juillet 2016, conformément à l'article 15*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Irlande, 1^{er} novembre 2017*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

AUDIOVISUAL CO-PRODUCTION TREATY

BETWEEN

THE GOVERNMENT OF IRELAND

AND

THE GOVERNMENT OF CANADA

THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF CANADA
(the “Parties”),

RECOGNISING that quality audiovisual treaty co-productions contribute to the vitality of the audiovisual industries of the Parties and to the development of their economic and cultural exchanges;

APPRECIATING that cultural diversity is nurtured by constant exchanges and interaction between cultures and that it is strengthened by the free flow of ideas;

CONSIDERING that, in pursuit of international cooperation, the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, done at Paris on 20 October, 2005, encourages audiovisual co-production treaties as a means of promoting international cooperation;

AGREEING that these exchanges may enhance the relations between the Parties;

RECOGNISING that these objectives may be achieved by granting, insofar as possible, domestic benefits to qualified audiovisual treaty co-productions;

HAVE AGREED as follows:

ARTICLE 1

Definitions

For the purpose of this Treaty:

- (a) “audiovisual” means a film, television, and/or video work on any production support known or not yet known for any distribution platform intended for viewing;
- (b) “competent authority” means for each Party, the authority which has the overall responsibility for the implementation of this Treaty;
- (c) “administrative authority” means for each Party, the designated authority which administers this Treaty;
- (d) “national” means a natural or legal person as defined by the law of the respective States and which, under that law, has the right to benefit from the application of this Treaty;

in the case of Ireland, “national” also includes:

- (i) a national of a Member State of the European Union; or
- (ii) a national of another Contracting Party to the *Agreement on the European Economic Area* of 2 May, 1992;

and “Irish”, in this context, shall mean any one or more of the same;

- (e) “producer” means a national managing the production of a work;
- (f) “third-State” means a State which has a co-production treaty or memorandum of understanding with at least one of the Parties;
- (g) “non-party” means a State which does not have a co-production treaty or memorandum of understanding with either Party;
- (h) “work” means an audiovisual work to be subsequently recognised as an audiovisual treaty co-production by each Party and includes every version of that work;

- (i) “Canadian elements” means expenditures made in Canada by the Canadian producer or expenditures on Canadian creative and technical personnel made in another State or States by the Canadian producer, in the course of the production of a work;
- (j) “Irish elements” means expenditures made in Ireland by the Irish producer or expenditures on Irish creative and technical personnel made in another State or States by the Irish producer, in the course of the production of a work.

ARTICLE 2

General Conditions

1. Each Party shall consider every work as if it were its own production in establishing whether that work is entitled to the same benefits as that Party’s own audiovisual industry.
2. Each Party shall grant the benefits referred to in paragraph 1 to the producers of a work who are its own nationals.
3. Each Party shall strive to achieve overall balance of the financing of works co-produced over a period of five years.
4. Each Party shall ensure that its producer fulfills, at a minimum, the requirements set out in articles 3 to 5 for a work to be considered eligible for the benefits of this Treaty.
5. The provisions relevant to the administration of this Treaty will be set out in the Annex.

ARTICLE 3

Participating Producers

1. To be eligible under this Treaty, a work shall be jointly produced by producers of both Parties.
2. In addition to producers of Canada and Ireland, third-State producers may also participate in a work.

ARTICLE 4

Proportionality

1. The share of work expenditures spent on Canadian elements shall be in reasonable proportion to the Canadian financial participation.
2. The share of work expenditures spent on Irish elements shall be in reasonable proportion to the Irish financial participation.
3. The Parties, through the mutual written consent of their administrative authorities, may recommend exemptions from paragraphs 1 and 2, notably for storyline and creative purposes.

ARTICLE 5

Nationality of Participants

1. Every participant in a work shall be a national of one of the Parties save as otherwise specifically provided in the Annex to this Treaty.
2. The Parties, through the mutual written consent of their administrative authorities, may in addition to the provisions of the Annex to this Treaty recommend exemptions from paragraph 1, notably to allow third-State nationals or non-party nationals to participate in a work for storyline, creative, or production purposes.

ARTICLE 6

Temporary Entry and Residence

Subject to their respective laws and regulations, each Party shall facilitate the following:

- (a) the temporary entry into and residence in their respective territories of the creative and technical personnel engaged by the producer of the other Party for the purpose of the work;
- (b) the temporary entry and re-export of any equipment necessary for the purpose of the work.