

"MINI-TREATY CINEMATOGRAPHIC PRODUCTION"

**AGREEMENT BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE FRENCH REPUBLIC
CONCERNING THE PROMOTION OF
CO-PRODUCED CINEMATOGRAPHIC PROJECTS**

**Paris, July 11, 1983
In Force July 11, 1983**

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**THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE
FRENCH REPUBLIC,**

DESIROUS of promoting co-operation between France and Canada in the cinematographic field through concrete measures aimed at achieving work of a high calibre while respecting the character of each country's national culture,

HAVE AGREED AS FOLLOWS:

ARTICLE I

- (1) Full-length cinematographic projects which qualify for co-production benefits under the Agreement between France and Canada concerning cinematographic relations may receive selective assistance from each of the two countries under the conditions set forth below.

This assistance is refundable exclusively on receipts of any kind resulting from the exhibition of the production. The terms of repayment are subject to identical conditions which are defined by mutual consent of the competent authorities of both countries.

- (2) Such cinematographic projects must be of common interest to both countries and must contribute to the quality of the cinematographic production.
- (3) In principle, each country shall provide assistance to the same number of majority productions while the Agreement is in force.

The selective assistance granted by each of the countries shall represent a percentage identical to their respective contributions to the particular co-production. This percentage shall not be greater than twenty (20) percent.

A minority co-production shall, in accordance with national laws, be considered a majority project if the following two conditions are met:

- if the director is a national of the minority co-producing country, and

- if the condition stipulated in the first sentence of this section cannot be met in any other way.
- (4) An overall balance must be maintained between each country's contributions toward selective assistance for co-productions, as provided in this Agreement.
 - (5) The amount of assistance allocated to the cinematographic co-production under this Agreement is fixed as follows:
 - for each co-production, a maximum of 2,500,000 FF by France in the case of a majority French co-production, and Canadian \$500,000 by Canada in the case of a majority Canadian co-production. The selective assistance given by the minority country, assessed as a percentage of its contribution to the co-production, shall represent an identical percentage to the selective assistance given by the majority country, assessed on the same basis.
 - for all co-produced projects a maximum of 5,000,000 FF by France and Canadian \$1,000,000 by Canada.

These amounts may be revised by the competent authorities in terms of the rates of exchange in effect at the time of each project's acceptance.

- (6) The maximum number of cinematographic productions which may benefit from the assistance outlined in the Agreement is therefore limited to four.
- (7) The expression "a national of the minority co-producing country" used in paragraph 3 above, refers to nationals or residents of France and to nationals or permanent residents of Canada as defined in the Canada Income Tax Regulations with respect to certified productions, as may be amended from time to time.

ARTICLE II

- (1) A France-Canada Commission shall be set up to consider all projects eligible for assistance under Article I above. The commission shall be composed of representatives appointed as follows:

from France : three representatives appointed by the Minister of Culture,

from Canada : three representatives appointed by the Minister of Communications, or if he so authorizes, the Canadian Film Development Corporation ("Telefilm Canada").

The Commission shall make recommendations relating to the financial assistance to be provided to projects and shall forward these recommendations to the designated authorities in each country.

- (2) The Project Examination Commission may meet alternately in France and Canada in cases where such a meeting is deemed necessary by the majority of its members. Generally, both the French section and the Canadian section will communicate to each other their respective proposals regarding the projects they feel are eligible for assistance under the preceeding article. The final Agreement on these proposals is made by exchange of correspondence.

Decisions made concerning the awarding of financial assistance as provided for in the present Agreement shall be made by the competent authorities in accordance with the provisions of the national laws in effect at the time. The competent authorities in each country shall inform one another immediately of the conditions under which assistance is granted and in particular the terms of repayment.

- (3) This Agreement shall enter into force on the date of its signature.
- (4) This Agreement shall be valid for a period of one year from the date of its entry into force; it is renewable annually by tacit consent, unless one or the other of the contracting parties gives notice of termination three months before the expiry date.

IN WITNESS WHEREOF the undersigned, duly authorised by their governments, have affixed their signatures hereto.

DONE in two copies at Paris, on July 11th 1983, in English and in French, both texts being equally authentic.

**FOR THE GOVERNMENT
OF CANADA**

**FOR THE GOVERNMENT OF THE
FRENCH REPUBLIC**

Francis FOX

Jack LANG

N° JLA-5022

Excellency,

I have the honour to refer to the Agreement between the Government of Canada and the Government of the Republic of France concerning the Promotion of Co-produced Cinematographic Projects, signed at Paris on July 11, 1983. At the meeting of the joint cinematographic commission held in Paris on March 10 and 11, 1988, representatives of our two countries agreed to amend the Agreement. I have the honour, on instructions of my Government, to propose the following amendments:

ARTICLE I

A) Subparagraph 4 of paragraph 3. shall be deleted and replaced by the following:

"— if the director is a national or a resident of the minority co-producing country, and"

B) Paragraph 4. shall be deleted and replaced by the following:

"4. An overall balance must be maintained between each party's contributions toward selective assistance for co-productions, as provided in this Agreement. This overall balance shall be assessed over a two-year period."

C) Paragraph 5. shall be deleted and replaced by the following:

"5. The amount of assistance allocated to the cinematographic co-production under this Agreement is fixed as follows:

His Excellency Philippe Husson
Ambassador of the Republic of France
Ottawa.

- for each co-production, a maximum of 2,500,000 FF by France in the case of a majority French co-production, and Canadian \$500,000 by Canada in the case of a majority Canadian co-production.
- for all co-produced projects a maximum of 5,000,000 FF by France and Canadian \$1,000,000 by Canada.

These amounts may be revised by the competent authorities in terms of the rates of exchange in effect at the time of each project's acceptance."

D) Paragraphs 6 and 7 are deleted.

If the foregoing is acceptable to the Government of the Republic of France, I have the honour to propose that this Note which is authentic in English and French and your reply to that effect, constitute an Agreement between our two Governments amending the Agreement Concerning the Promotion of Co-produced Cinematographic Projects of July 11, 1983, which will enter into force on the date of your reply.

Accept, Excellency, the assurances of my highest consideration.

Secretary of State
for External Affairs

The following modifications were adopted by the Canadian and the French delegations during the France-Canada mixed commission on film and television relations held in Paris on 17-18 September 1992.

The modifications will be ratified by the respective governments at a later date.

SUGGESTED CHANGES

Agreement between the Government of the French Republic and the Government of Canada concerning the promotion of co-produced cinematographic projects.

- (5) The amount of assistance allocated to the cinematographic co-production under this Agreement is fixed as follows:
- the selective financial assistance to be provided by each Party in a co-production project shall not be greater than 20%.
 - for all co-produced projects a maximum of 5,000,000 FF by France and a maximum of \$1,000,000 by Canada.
 - These amounts may be revised by the competent authorities in terms of the rates of exchange in effect at the time of each project's acceptance.