

What is a co-production – legally speaking?

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A black and white photograph of Walt Disney lying on his stomach on a sandy beach. He is smiling and looking towards the camera. He is holding a vintage movie camera in front of him. In the background, there are people walking on the beach and buildings in the distance.

“ WE DON'T MAKE MOVIES
TO MAKE MONEY,

WE MAKE MONEY TO MAKE
MORE MOVIES.”

WALT DISNEY

Some good reasons for co-producing

- **Funding:** Works will be considered “national” in all countries involved and therefore be eligible for public funding in all those countries
- **Artistic:** Collaboration between artists from different backgrounds, cultures, etc.
- **Ownership:** Each co-producer co-owns the work
- **Circulation:** Co-productions circulate marginally better than 100% national titles, both on SVOD and TVOD
- **Revenues:** Co-productions generate more admissions than national films
- **Promotion:** Co-productions benefit from the promotion obligations set for European and national works

Conventions on co-production

- European Convention on Cinematographic Co-production (1992)
- Council of Europe Convention on Cinematographic Co-Production (2017)

1992 Convention on co-production

- European Convention on Cinematographic Co-production, Strasbourg 2 October 1992 (ETS No. 147)
 - Entry into force: 1 April 1994
 - Definition of 'cinematographic work'
 - Rules applicable to co-productions

2017 Convention on co-production

- Council of Europe Convention on Cinematographic Co-Production (revised), Rotterdam 30 January 2017 (CETS No. 220)
 - Entry into force: 1 October 2017
 - Common features between the two Conventions:
 - most of the provisions regarding the scope,
 - the legal definitions and
 - the rules applicable to co-productions

Main differences between 1992 and 2017 Conventions on co-production

- Notion of “officially co-produced cinematographic work” replacing that of “European cinematographic work”,
- Adjustment of minimum and maximum proportions of contributions from each co-producer,
- Improvement of application procedure,
- Follow-up and effective application of the Convention – role of Eurimages

Conflict between 1992 Convention and 2017 Convention

- The revised Convention replaces, as regards its states parties, the 1992 Convention. Concepts explained here concern the revision of 2017.
- However, where a co-production involves a party to the revised Convention and a party to the 1992 Convention which has not ratified the revised Convention, the 1992 Convention shall continue to apply.



In general: What is an international co-production?

- More **than one producer**
- From **different countries**
- Agreed upon via a **co-production contract**:
 - Merely participating in the financing of the work does NOT amount to be a co-producer.
- Each co-producer **co-owns the work**

And what is an “official” co-production?

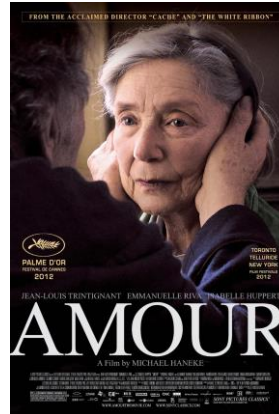
- Follows the rules of a **co-production agreement / convention**
 - ✓ Bilateral/multilateral agreements
 - ✓ CoE Convention
- The co-production is **considered as “national”** in each co-producing country
- The co-production must **be approved** by national authorities
- It may become **eligible to public funding**, tax incentives, in each co-producing country

And now: what is a co-production according to the revised Convention?

- Three essential elements:
 - **a cinematographic work (fiction, animation, documentaries),**
 - **at least three co-producers established in three different Parties to the Convention,**
 - **a co-production contract guaranteeing to each co-producer joint ownership of the property rights of the film.**

Film co-production: a success story!

- Making multilateral film co-production easier
- Stimulating international cooperation
- Providing more legal certainty
- Fostering cultural diversity
- Spreading core values across states parties to the Convention



Thank you!

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