

No. 46822

**South Africa
and
Germany**

Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany on audio-visual co-productions (with annex). Cape Town, 17 November 2004

Entry into force: *7 January 2005 by notification, in accordance with article 18*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *South Africa, 12 November 2009*

**Afrique du Sud
et
Allemagne**

Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République fédérale d'Allemagne relatif à la coproduction audiovisuelle (avec annexe). Le Cap, 17 novembre 2004

Entrée en vigueur : *7 janvier 2005 par notification, conformément à l'article 18*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 12 novembre 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement
Between
the Government of
the Republic of South Africa
and
the Government of
the Federal Republic of Germany
on
Audio Visual
Co - productions

PREAMBLE

The Government of the Republic of South Africa and the Government of the Federal Republic of Germany (hereinafter jointly referred to as the "Parties" and in the singular as a "Party");

CONSIDERING that Article 2 par. 2 (e) of the Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany regarding cultural cooperation, dated March 10, 1998, provides for the Parties to implement appropriate measures, and within the scope of their respective abilities, to provide each other with assistance, particularly with regard to cooperating in the field of cinematography, as well as visits by delegations and individual specialists in the field of cinematography;

CONSIDERING that audio-visual co-productions can significantly contribute to the development of the film industry and to an intensification of the economic and cultural exchange between the two countries;

RESOLVED to stimulate economic and cultural co-operation between the Republic of South Africa and the Federal Republic of Germany;

DESIRING to create conditions for good relations in the audio-visual area, particularly for the co-production of films and TV and video productions;

MINDFUL of the fact that the quality of co-productions can help to expand the production and distribution of TV and video productions of both countries;

HAVE AGREED as follows:

Article 1

Definition of "audio-visual co-production"

For the purpose of this Agreement, an "audiovisual co-production" is a project irrespective of length, including animation and documentary productions, produced in any format, for exploitation in theatres, on television, videocassette, videodisc, CD-ROM, DVD or by any other form of distribution. New forms of audiovisual production and distribution will be included in this Agreement.

Article 2

Competent authorities

- (1) The competent authorities responsible for the implementation of this Agreement shall be:
 - (a) on behalf of the Federal Republic of Germany, the Federal Office of Economics and Export Control (BAFA); and
 - (b) on behalf of the Republic of South Africa, the National Film and Video Foundation (NFVF).
- (2) Co-productions falling within the scope of this Agreement shall be subject to the approval of the competent authorities.
- (3) The Parties shall inform each other if the competent authorities are replaced by others.
- (4) The competent authorities shall inform each other regarding the application of this Agreement, in order to resolve possible difficulties arising from the interpretation of its provisions. If

necessary, they shall also propose changes in the joint interest of both countries with a view to promoting co-operation in the context of this Agreement.

- (5) The competent authorities shall inform each other regularly about approval, denial, amendment and revocation of co-production status. Before it denies an application for co-production status, the competent authority shall consult with its counterpart of the other Party.

Article 3

Approval as national films

- (1) Films which are produced within the framework of this Agreement shall be deemed national films.
- (2) These films shall be entitled to claim all state support benefits available to the film and video industries and the privileges granted by the provisions in force in the respective countries.

Article 4

Conditions for obtaining approval of co-production status

- (1) The co-producers of a film shall have their principal office or a branch office in the territory of one of the Parties. None of the co-producers shall be linked by common management, ownership or control.