

No. 49468

**New Zealand
and
India**

Agreement on Audio-Visual Co-Productions between the Government of New Zealand and the Government of the Republic of India (with annex). New Delhi, 28 June 2011

Entry into force: *4 October 2011 by notification, in accordance with article 17*

Authentic texts: *English and Hindi*

Registration with the Secretariat of the United Nations: *New Zealand, 5 March 2012*

**Nouvelle-Zélande
et
Inde**

Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de la République de l'Inde concernant les coproductions audiovisuelles (avec annexe). New Delhi, 28 juin 2011

Entrée en vigueur : *4 octobre 2011 par notification, conformément à l'article 17*

Textes authentiques : *anglais et hindi*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Nouvelle-Zélande, 5 mars 2012*

[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement
on Audio-Visual Co-Productions
between
the Government of New Zealand
and
the Government of the Republic of India**

The Government of New Zealand and the Government of the Republic of India (the "Parties")

SEEKING to enhance cooperation between the two countries in the area of film making;

DESIROUS of expanding and facilitating the co-production of films which may be conducive to the film industries of both countries and to the development of their cultural and economic exchanges;

CONVINCED that these exchanges will contribute to the enhancement of relations between the two countries;

HAVE AGREED as follows: -

Article 1

Definitions

1. "Competent Authorities" shall mean the authorities designated as such in the Annex by each Party.
2. "Co-producer" means one or more New Zealand nationals or one or more nationals of India involved in the making of co-production films, or, in relation to Article 5 (Third Country Co-Productions), nationals of a third country.
3. "Nationals" means:
 - a) for India, citizens of India; and
 - b) for New Zealand
 - (i) citizens of New Zealand; or
 - (ii) permanent residents of New Zealand.

4. "Film" means an aggregate of images, or of images and sounds, embodied in any material, 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.
5. "Co-production film" means an audio visual film made by one or more co-producers of one Party in co-operation with one or more co-producers of the other Party under a project approved by the Competent Authorities under Article 3 (Conditions for Obtaining Approval of Co-production Status), and includes a film to which Article 5 (Third Country Co-Productions) applies.

Article 2

Recognition as a National Film and Entitlement to Benefits

1. A co-production film shall be fully entitled to all the benefits which are or may be accorded to national films by each of the Parties under their respective national laws.
2. Any benefits which may be granted within either Party in relation to a co-production film shall accrue to the co-producer who is permitted to claim those benefits in accordance with the legislation of that Party, subject to any other relevant international obligations.

Article 3

Conditions for Obtaining Approval of Co-Production Status

1. Co-production films shall require, prior to the commencement of shooting, approval by both the Competent Authorities. Approvals shall be given after consultations between the Competent Authorities

to discuss the merits of the particular co-production. Approvals shall be in writing and shall specify the terms and conditions upon which approval is granted.

2. In considering proposals for the making of a co-production film, both the Competent Authorities shall consult and, with due regard to their respective policies and guidelines, apply the rules set out in the Annex to this Agreement.
3. None of the co-producers shall be linked by common management, ownership or control, save to the extent that it is necessary in the making of the co-production film itself.
4. The Parties are not responsible or liable for the credentials of either of the co-producers.

Article 4

Contributions

1. Both the financial contribution, and the performing, technical, craft and creative contribution of each co-producer shall account for at least 20% (twenty per cent) of the total effort in making the co-production film and no more than 80% (eighty per cent) of the total effort in making the co-production film.
2. Notwithstanding the contribution rules set out in paragraph 1 of this Article, and in accordance with the conditions for obtaining approval in Article 3, in exceptional cases the Competent Authorities of both countries may approve co-production projects where:
 - a) the contribution by one co-producer is limited to the provision of finance only, in which case approvals shall be limited to projects