

**No. 49469**

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**New Zealand  
and  
South Africa**

**Agreement between the Government of New Zealand and the Government of the Republic of South Africa Concerning Co-Production of Films (with annex). Wellington, 11 September 2011**

**Entry into force:** *20 October 2011 by notification, in accordance with article 17*

**Authentic text:** *English*

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

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**Nouvelle-Zélande  
et  
Afrique du Sud**

**Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de la République sud-africaine concernant la coproduction cinématographique (avec annexe). Wellington, 11 septembre 2011**

**Entrée en vigueur :** *20 octobre 2011 par notification, conformément à l'article 17*

**Texte authentique :** *anglais*

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

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**Agreement**  
  
**between**  
  
**the Government of New Zealand**  
  
**and**  
  
**the Government of the Republic of South Africa**  
  
**Concerning Co-Production of Films**

### **Preamble**

The Government of New Zealand and the Government of the Republic of South Africa (hereinafter jointly referred to as the “Parties” and separately as a “Party”);

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

**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; and

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

**HEREBY AGREE** as follows:

### **Article 1**

#### **Definitions**

For the purposes of this Agreement unless the context otherwise indicates—

“Competent Authority” means the authority designated as such in Article 2 by each Party;

“co-producer” means one or more New Zealand or the Republic of South African Nationals involved in the making of a co-production film;

“co-production film” means a film made by one or more Nationals of one Party in cooperation with one or more Nationals of the other Party under a project approved jointly by the Competent Authorities, and includes a film to which Article 6 applies;

“film” means an aggregate of images, or of images and sounds, embodied in any material, and includes television and video recordings, animations and digital format productions;

“National” means—

- (a) in the case of New Zealand,
    - (i) a citizen of New Zealand; or
    - (ii) a permanent resident of New Zealand; and
  - (b) in the case of the Republic of South Africa,
    - (i) a citizen of the Republic of South Africa; or
    - (ii) a permanent resident of the Republic of South Africa;
- and

“third country co-producer” means any individual from another country with which New Zealand or the Republic of South Africa maintains a film and audiovisual agreement as referred to in Article 6.

## **Article 2**

### **Competent Authorities**

- (1) Each Party shall designate a Competent Authority for the purposes of implementing this Agreement. The Competent Authorities responsible for the implementation of this Agreement shall be—
  - (a) in the case of New Zealand, the New Zealand Film Commission; and

- (b) in the case of the Republic of South Africa, The National Film and Video Foundation.
- (2) Either Party may change their designated Competent Authority by giving written notice to the other Party through the diplomatic channel.
- (3) The Competent Authorities may examine the implementation of this Agreement and consult with each other to resolve difficulties arising out of its application.

### **Article 3**

#### **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 the domestic law in force in their respective countries.
- (2) Any benefits which may be granted by 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 domestic law in force in the country of that Party, and subject to any other relevant international obligations.

### **Article 4**

#### **Approval of Projects**

- (1) Co-production films shall require joint approval of the Competent Authorities prior to the commencement of shooting.