

[IT] Criteria for Identifying Italian Audiovisual Works within the Framework of Co-Production Treaties

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Pursuant to Article 2(2) of the Television Advertising Act of 30 April 1998, no. 122 (Differimento di termini previsti dalla legge 31 luglio 1997, n. 249, relativi all'Autorità per le garanzie nelle comunicazioni, nonché norme in materia di programmazione e di interruzioni pubblicitarie televisive, Gazzetta Ufficiale 1998, 99, see IRIS 1998-6: 8), implementing chapter 4 of the "Television without Frontiers" Directive, the Ministero per i beni e le attività culturali (Ministry of Cultural Affairs) fixed the minimum requirements for the identification of Italian audiovisual works within the framework of co-production treaties between Italy and other countries. The regulation (Decreto 13 settembre 1999, n. 457, Regolamento recante criteri per l'assegnazione della nazionalità italiana ai prodotti audiovisivi ai fini degli accordi di coproduzione e di partecipazione, ai sensi dell'articolo 2, comma 2, della legge 30 aprile 1998, n. 122) entered into force on 3 December 1999. In order to fall within the scope of the regulation, Italian enterprises must cover at least 20% of the production expenses. With regard to the artistic and technical features of the works, the Decree states that the following requirements must be fulfilled:

- At least one of the following applies: a) Italian director; b) Italian author or a majority of Italian authors; c) Italian scriptwriter or a majority of Italian scriptwriters;

- At least one of the following applies: a) a majority of

Italian starring actors; b) at least 75% of Italian minor actors; c) Italian dialogue;

- At least two of the following apply: a) Italian director of photography; b) Italian editor; c) Italian composer; d) Italian set designer; e) Italian costume designer.

All international co-production treaties must include a reciprocity clause. Audiovisual works fulfilling the abovementioned requirements are accorded the same benefits that the Cinema Act of 4 November 1965, no. 1213 (Nuovo ordinamento dei provvedimenti a favore della cinematografia, Gazzetta Ufficiale 1965, 282) grants to Italian cinematographic works.

