

[CH] Agreement on Cinematographic Co-production with Germany and Austria Enters into Force

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The Swiss Government has concluded another agreement on cinematographic cooperation with Germany and Austria. The aim is to facilitate international co-productions and promote the circulation and exploitation of films from any of the contracting States, and it came into force on 23 June 2011. It is the first trilateral agreement Switzerland has concluded in the field of cinematographic cooperation, and it replaces the bilateral agreements concluded with Germany in 1984 and with Austria in 1990.

The new agreement on cinematographic cooperation applies to films intended mainly to be shown in cinema theatres that have been produced in the contracting States as bilateral or trilateral co-productions. Co-productions produced under this agreement and recognised as such by the relevant authorities in Germany, Switzerland and Austria are classified as “national” films in all three contracting States. The co-producers can benefit from the advantages granted to co-productions if their technical and financial organisation is adequate and they have sufficient professional qualifications and experience. They must also meet the respective national requirements.

The participation of the co-producers must include financial, artistic and technical contributions. The artistic and technical contribution of each co-producer must theoretically be in proportion to its financial contribution. There must also be a balance between the contracting States as regards both the artistic and technical contributions and the financial contributions. To increase the possibilities for co-production between Germany, Switzerland and Austria, the new agreement reduces from 30 to 20% the minimum participation by the minority co-producer country to the cost of producing a film. In exceptional cases the contracting States may even agree to reduce the participation to 10%. This is because practice shows that increased production costs cause difficulties for minority co-producers if the minimum participation rate is too high. The tripartite agreement also allows co-financing (i.e., co-productions for which one or more co-producers participate in financial terms only) where the financial participation is between 10 and 20% of the production costs.

The agreement provides that the competent authorities in Germany, Switzerland and Austria may also recognise as co-productions films produced by co-producers from the contracting States in collaboration with producers from other countries

with which one of the contracting States involved has concluded a co-production agreement. The conditions for accepting such films need to be examined by the competent authorities for each individual case before filming starts.

Trilaterales Abkommen vom 11. Februar 2011 zwischen der Regierung der Bundesrepublik Deutschland, der Regierung der Republik Österreich und der Regierung der Schweizerischen Eidgenossenschaft über die Zusammenarbeit im Bereich Film

http://www.admin.ch/ch/d/sr/c0_443_913_6/index.html

Trilateral agreement of 11 February 2011 between the Governments of the Federal Republic of Germany, the Republic of Austria, and the Swiss Confederation on cooperation in cinematographic matters

