

Committee of Ministers: Convention on Cinematographic Co-production opens for signature

IRIS 2017-3:1/2

*Emmanuel Vargas Penagos
Institute for Information Law (IViR), University of Amsterdam*

On 30 January 2017, at the International Film Festival in Rotterdam, the Council of Europe opened for signature the new Convention on Cinematographic Co-production (the “Convention”). This instrument, adopted by the Committee of Ministers at the 1,261st meeting of the Ministers’ Deputies, sets out the rules under international law for when cinematographic co-productions involving producers from at least three States are undertaken (see IRIS 2016-10/3).

One of the main developments of the Convention is that it grants flexible conditions for film producers in co-productions. Moreover, the Convention allows non-European countries to take advantage of its provisions. However, this instrument is limited to cinematographic works. The Explanatory Report of the Convention explains that audiovisual works are excluded because they are rarely created under co-production agreements and technological developments make it difficult to formulate a precise definition of them.

The Convention includes two appendices. The first of them refers to the procedure that must be followed in order to secure the award of co-producing status. The second appendix sets out the conditions to be met in order for a work to officially qualify as a co-production.

This instrument is the result of a revision, begun in 2008, of a previous version dates from 1992 (IRIS 1995-1/44). Moreover, the Convention’s preamble has regard to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Paris, 20 October 2005) (see IRIS 2005-10/1), which strives to strengthen activities related to cultural expressions around the world.

The Convention is intended to enter into force on the first day of the month following the expiration of a period of three months after the date on which three States, including at least two member states of the Council of Europe, have expressed their consent to be bound by the Convention. On 30 January 2017, 10 countries, including the Netherlands, Greece, Italy, Luxembourg, Malta, Norway, Portugal, Serbia, Slovakia and Slovenia, participated in the signature ceremony.

*Council of Europe Convention on Cinematographic Co-production (revised),
Council of Europe Treaty Series - No. 220, 30 January 2017*

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069309e>

