

# Le Roux Film Productions International

**ANNEXURE A**  
**CO-PRODUCTIONS – BREAKDOWN OF TREATIES**  
**Sept 2014**

	<b>Australia / SA</b>	<b>UK / SA</b>	<b>German / SA</b>	<b>Canada / SA</b>
“Film” definition	May be theatrical, television, home video etc.	Must be intended for theatrical release.	May be theatrical, television, home video etc.	May be theatrical, television, home video etc.
Geographical reference	The majority of the work should normally be carried out in the country that has the majority financial contribution. Location <u>filming</u> may take place outside the co-production countries, subject to approval by the Competent Authorities.	Requires work to take place within the co-producer country (or a Third Party country).	Is silent on this (the only reference to work that must take place within the co-pro countries is sub-titling / dubbing).	Requires work to take place within the co-producer country unless script requires and country.
Impact of co-production	Access and enjoyment by each co-producer to the fiscal benefits afforded to a national film in both co-producing countries.	<ul style="list-style-type: none"> <li>- Lifting of quota restrictions re distribution and exhibition.</li> <li>- Access by the relevant co-producer to fiscal benefits on the basis of a national film.</li> </ul>	Same	Same
Number of co-producers	May have more than one co-producer from each country.  The co-producers may not be linked by common management, ownership or control.	<ul style="list-style-type: none"> <li>- Up to four allowed (at least one SA and one UK).</li> <li>- Co-producers may not be linked by common management / ownership.</li> <li>- Co-producer must have offices and staff in the country.</li> </ul>	<ul style="list-style-type: none"> <li>- Is silent on number of co-producers allowed.</li> <li>- Must have principal office in the country.</li> <li>- May not be linked by common management / ownership.</li> </ul>	Silent

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Involvement (i.e. must the Co-Producers physically contract the work or may it be outsourced)	Silent.	Each co-producer must <u>directly contract</u> within its country.	Does not state that direct contracting is required. BAFA is more concerned with the participation of EU personnel than with which entity contracted them.	Silent.
Third Party co-Producer (being a Co-producer of another country that has a Treaty in place with one of the countries)	May introduce a Third Party Co-producer (provided that the conditions of the other Treaty is met).	May introduce a Third Party Co-producer.	Does not explicitly state that a Third Party Co-producer may be included, however reference is made to “multilateral co-productions” and a Third-party co-producer is alluded to in the ‘Credits’ section, therefore it is implied that this is permissible.	May introduce a Third Party Co-producer.
Non Party Co-producer (being a Co-producer who is <u>not</u> linked by another Treaty)	Silent.	May introduce a Non-party Co-producer.	Is silent on this.	Silent.
<u>Financial Contribution</u> (i.e. % finance raised, not % spend)	<p>The contribution of each co-producer (and if applicable the Third Party Co-Producer) must be at least 20% of the total contribution.</p> <p>The majority of the work should normally be carried out in the country that has the majority financial contribution.</p>	Minimum of 20% and maximum of 80%.	Minimum of 20% and maximum of 80%.	Minimum of 20% and maximum of 80%.
<u>Financial Contribution</u> – where a Third Party Co-producer is included	Minimum of 20%	Minimum of 20% and maximum of 60%	Minimum of 10% and maximum of 70%.	Minimum of 20% (silent on majority)
<u>Financial Contribution</u> – where a Non-party co-producer is included	Silent.	Minimum of 20% and maximum of 60% financial contribution.	Is silent on this.	Is silent on this.

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Film-making Contribution	<p>The performing, technical and craft contribution of each co-producer (and if applicable the Third Party Co-Producer) must be in reasonable proportion to the financial contribution.</p> <p>“Creative contribution” is defined as: 1) performing contribution, 2) technical contribution, and 3) craft contribution.</p>	<ul style="list-style-type: none"> <li>- The UK / SA treaty defines this in terms of <u>spend %</u>.</li> <li>- Spend % must be in proportion to financial contribution.</li> </ul>	<ul style="list-style-type: none"> <li>- The Germany / SA treaty defines this in terms of <u>technical and creative participation</u> (it is silent in terms of spend %).</li> <li>- The technical / artistic contribution must be reasonably in proportion to financial contribution.</li> <li>- The treaty recognises the following as personnel as technical and artistic: Writer, Director, Composer, Editor, DOP, Art Directors, Actors, Sound technicians</li> <li>- General rule: each country must have: <ul style="list-style-type: none"> <li>o One lead actor *</li> <li>o One supporting actor or one technical staff person</li> <li>o * but two technical staff may substitute for a lead actor</li> </ul> </li> </ul>	<p>Technical and creative contribution must be in proportion to financial contribution / investment.</p>
<u>Spend</u> must originate from:	Is silent on spend.	<ul style="list-style-type: none"> <li>- UK nationals</li> <li>- SA</li> <li>- EEA</li> <li>- SADC</li> <li>- Third party co-producer country</li> </ul> <p>Any cost <u>not</u> from the above <u>may not exceed 20%</u> of total cost</p>	Is silent on spend. Is concerned more with personnel.	Is silent on spend.
Rights and revenue %	The Co-Pro Agreement must specify the arrangement for division of exploitation receipts.	Must be in line with financial contribution	<ul style="list-style-type: none"> <li>- Does not refer to revenue</li> <li>- States that copyright should be held in proportion to financial contribution</li> </ul>	Must be in line with financial contribution

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Stock footage	May be used, but up at least 90% of footage must be specifically shot for the film.	May not exceed 10%	Is silent.	Is silent.
Language	<p>Must be in one of the official languages of the Co-production or Third Party Co-producer countries.</p> <p>Other languages may be required if required by the script.</p>	<ul style="list-style-type: none"> <li>- In English or SA language</li> <li>- English sub-title required if not in English language</li> </ul>	<ul style="list-style-type: none"> <li>- In one of the official languages of Germany or SA</li> <li>- Dubbing or sub-titling must be done in Germany/EU or SA/SADC/African Union</li> </ul>	English, French or another language of the co-producing countries.
Credit	"An Australian / South African co-production" (or vica versa).	Must be credited as a "UK / SA co-production" and if applicable the Third Party country / Non party country as well. Note that credit must also be on promotional material as well.	<ul style="list-style-type: none"> <li>- Must be credited as "an <u>official</u> German/ SA co-production" (or vica versa) and if applicable the country of the Third Co-producer.</li> <li>- Note that credit must also be on promotional material as well.</li> </ul>	"SA / Canada" or "Canada / SA" according to majority co-producer or nationality of director.

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Personnel used	<p><u>For Australia:</u> must be an Australian citizen or an Australian permanent resident.</p> <p><u>For SA:</u> must be a South African citizen or a South African permanent resident i.e. excludes SADC and African Union nationals.</p> <p><u>For Third Party Co-producer:</u> nationals and permanent residents of that country.</p> <p><u>Non treaty performers</u> General rule: only performers of the above countries may participate, <u>however</u> performers from other countries may be used where:</p> <ul style="list-style-type: none"> <li>- script dictates, or</li> <li>- financing dictates.</li> </ul> <p><u>Non treaty filming</u> Where filming is authorized outside the Co-Producers or Third Party Co-producer countries, citizens of the other country may only be used:</p> <ul style="list-style-type: none"> <li>- as crowd artists</li> <li>- in small roles</li> <li>- as additional employees who's services are necessary for the location work to be undertaken.</li> </ul> <p><u>Non treaty experts</u> Specialized skills: a restricted number of non-treaty technical personnel may be used but only where:</p>	<p>Must be:</p> <ul style="list-style-type: none"> <li>- UK nationals</li> <li>- EEA nationals *</li> <li>- SA nationals</li> <li>- SADC nationals</li> <li>- Nationals of the country of the Third-Party Co-producer</li> <li>- Non-party personnel subject to 20% spend rule.</li> </ul> <p>* EEA = European Economic Area. At present, the contracting parties to the EEA are the EU and its 27 member States (Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom), <u>as well as</u> the three EEA/EFTA States, Iceland, Liechtenstein and Norway.</p>	<p>Must be:</p> <ul style="list-style-type: none"> <li>- German nationals</li> <li>- German residents</li> <li>- EU nationals</li> <li>- EEA nationals</li> <li>- SA nationals</li> <li>- Permanent residents of SA</li> <li>- SADC nationals</li> <li>- African Union nationals</li> </ul>	<p>All personnel must be SA (not widely defined) or Canadian, other than dispensation for specific deviations.</p>

	<ul style="list-style-type: none"><li>- the expertise does not exist in the treaty countries, and</li><li>- The Competent Authorities jointly approve.</li></ul>			
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Finance-only contributions (i.e. no contribution to spend, no personnel contribution, only finance % provided)	Silent.	Permissible but must not be less than 10% and not more than 25% of total finance.	Permissible but must not be less than 20%.	Permissible but Treaty is vague.