

2020 No. 159

CINEMAS AND FILMS

The Council of Europe Convention on Cinematographic Co-production (revised) Order 2020

Made - - - - *12th February 2020*

Coming into force - - *13th February 2020*

At the Court at Buckingham Palace, the 12th day of February 2020

Present,

The Queen's Most Excellent Majesty in Council

The Council of Europe Convention on Cinematographic Co-production (revised) ("the Convention")(a) was opened for signature by member States of the Council of Europe and other States party to the European Cultural Convention(b) on 30th January 2017.

The United Kingdom signed the Convention on 7th February 2019.

The Convention requires the Contracting Parties to apply those benefits which they grant to a national film(c) to cinematographic works falling within the scope of the Convention.

Accordingly, Her Majesty, in exercise of the powers conferred upon Her by paragraph 4(5) of Schedule 1 to the Films Act 1985(d), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Council of Europe Convention on Cinematographic Co-production (revised) Order 2020 and comes into force on 13th February 2020.

(2) In this Order—

“1992 Convention” means the European Convention on Cinematographic Co-production(e);

“2017 Convention” means the Council of Europe Convention on Cinematographic Co-production (revised).

(a) Council of Europe Treaty Series No. 220. The full text of the treaty is available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168069309e>. A hard copy is available on request from the Department for Digital, Culture, Media and Sport, 100 Parliament Street, London, SW1A 2BQ.

(b) Cmd. 9545.

(c) “film” is defined in paragraph 1(1) of Schedule 1.

(d) 1985 c.21; Schedule 1 was amended by S.I. 2006/643, S.I. 2006/3430, S.I. 2012/1809 and S.I. 2015/86.

(e) Cm. 2495.

(3) For the purposes of this Order—

(a) a State is a Contracting Party to the 1992 Convention if—

(i) under Article 16 of the 1992 Convention, that State has expressed its consent to be bound by the 1992 Convention, or

(ii) under Article 18 of the 1992 Convention, that State has acceded to the 1992 Convention,

and the 1992 Convention is in force in relation to that State;

(b) a State is a Contracting Party to the 2017 Convention if—

(i) under Article 18 of the 2017 Convention, that State has expressed its consent to be bound by the 2017 Convention, or

(ii) under Article 20 of the 2017 Convention that State has acceded to the 2017 Convention,

and the 2017 Convention is in force in relation to that State.

Treatment as a British film

2.—(1) A film is to be treated as a British film for the purposes of Schedule 1 to the Films Act 1985 if it is made in accordance with the terms of the applicable Convention and—

(a) where there are two co-producers, one is established in the United Kingdom and the other is established in a State which is a Contracting Party to the applicable Convention; or

(b) where there are three or more co-producers, one is established in the United Kingdom and at least two others are established in different States each of which is a Contracting Party to at least one of the Conventions.

(2) For the purposes of this article—

(a) “the applicable Convention” means, in relation to a film, whichever of the Conventions applies to that film in accordance with Article 16 of the 2017 Convention;

(b) “the Conventions” means the 1992 Convention and the 2017 Convention.

Revocation

3. The European Convention on Cinematographic Co-production Order 2006(a) is revoked.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order forms part of implementation in the United Kingdom of the Council of Europe Convention on Cinematographic Co-production (revised) 2017 (“the 2017 Convention”), which was signed by the United Kingdom on 7th February 2019. The 2017 Convention replaces (subject to transitional provision) the European Convention on Cinematographic Co-production 1992 (“the 1992 Convention”).

In particular, the 2017 Convention applies to a co-produced film where some or all of the contributors are established in a Contracting Party to the 2017 Convention, and none of the contributors are established in a Contracting Party to the 1992 Convention which is not a

(a) S.I. 2006/2656.

Contracting Party to the 2017 Convention (a “1992 Convention Only Party”). Accordingly, where one or more contributors to a co-production is established in a 1992 Convention Only Party, the 1992 Convention continues to apply.

This Order therefore provides that a co-produced film to which either the 2017 Convention or the 1992 Convention applies, and that is made in accordance with the terms of the applicable Convention, is to be treated as a British film for the purposes of Schedule 1 to the Films Act 1985.

Additional requirements apply for a film to be treated as a British film. Where there are only two co-producers one must be established in the United Kingdom and the other in a State which is a Contracting Party to the applicable Convention. Where there are three or more co-producers one must be established in the United Kingdom and at least two others in different States each of which is a Contracting Party to at least one of the 1992 Convention and the 2017 Convention.

A list of the current Contracting Parties to the 2017 Convention and the 1992 Convention is available from the Council of Europe website (www.coe.int) and the Department for Digital, Culture, Media and Sport (www.culture.gov.uk).

This Order revokes and replaces the European Convention on Cinematographic Co-production Order 2006 (S.I. 2006/2656).

A full impact assessment has not been published for this Order as it has minimal impact on the private sector, the voluntary sector or civil society organisations.

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