

**Interpretative Note Regarding the Audiovisual Co-Production Treaty
between the Government of Canada and the Government of Ireland**

The Department of Canadian Heritage of Canada and the Department of Culture, Heritage and the Gaeltacht of Ireland have come to an understanding regarding the interpretation of Article 5 of the *Audiovisual Co-Production Treaty between the Government of Canada and the Government of Ireland*, done at Ottawa on 4 February 2016 (the “Treaty”).

Article 5 – Nationality of Participants

1. Every participant in a work shall be a national of one of the Parties save as otherwise specifically provided in the Annex to this Treaty.
2. The Parties, through the mutual written consent of their administrative authorities, may in addition to the provisions of the Annex to this Treaty recommend exemptions from paragraph 1, notably to allow third-State nationals or non-party nationals to participate in a work for storyline, creative, or production purposes.

Annex, Paragraph 3 – Key Positions

All eight (8) key positions may be filled by one or more nationals of either Party or as follows:

- (a) At least seven (7) of the eight (8) key positions in the production of a work will be filled by:
 - i) one or more Canadian nationals; and
 - ii) one or more Irish nationals.
- (b) The remaining key position in the production of a work from subparagraph (a) may be filled by a third-State national or a non-party national.
- (c) Notwithstanding subparagraph (a), in a high budget work, a second key position out of the eight (8) in the production of the work, may be filled by a third-State national or a non-party national. Thresholds for high production budgets will be defined by the administrative authority of each Party.

Annex, Paragraph 4 – Location and Technical Services

- (a) A work will be produced in the territory of a Party and may also be produced in the territory of a third-State producer.
- (b) The administrative authorities may, by mutual written consent, allow a work to be produced in the territory of a third-State or a non-party for storyline and/or creative reasons.
- (c) The administrative authorities may, by mutual written consent, allow technical services to be provided in the territory of one or more third-State or non-parties provided that producers demonstrate the non-availability of those services in the territory of either Party and provided that the value of such services does not exceed twenty-five (25) percent of the total production budget of a work.

Coproducing States

In this Interpretative Note, the term “coproducing States” means Canada and Ireland, with third States that have a producer who is involved in a multipartite work.

1. Every participant is a national of the coproducing States unless the Annex of the Treaty provides otherwise.
2. Key positions are filled by nationals from each of the coproducing States.

3. The discretionary exemption processes outlined under Article 5 of the Treaty and paragraph 3 of the Annex of the Treaty do not relate to nationals from the coproducing States.
4. The discretionary exemption processes outlined under paragraphs 4(b) and (c) of the Annex of the Treaty do not relate to a work being produced or technical services being provided in the coproducing States, except for the non-availability test in paragraph 4(c) of the Annex of the Treaty.
5. The coproducing States still seek the written consent of their respective administrative authorities to allow a national of a State other than the coproducing States to participate in a work (except for paragraph 3(b) of the Annex of the Treaty where such consent is not required), to allow a national of a State other than the coproducing States to fill a second key position out of the eight (8) in the production of a high budget work, or to allow a work to be produced outside of the coproducing States, notably for storyline, creative, or production purposes.

Exemptions for non-party nationals

1. Exemptions from Article 5(1) that are allowed under the Article 5(2) may be granted, through the mutual written consent of the administrative authorities, only for positions other than key positions as outlined in the paragraph 1 of the Annex of the Treaty.

This Interpretative Note took effect on the date of entry into force of the Treaty and will remain in effect for as long as the Treaty remains in force.



For the Department of Canadian Heritage of
Canada

Date: 2020-3-24



For the Department of Culture, Heritage
and the Gaeltacht of Ireland

Date: 26/3/2020