

AMENDMENTS TO THE AGREEMENT
BETWEEN
THE GOVERNMENT OF CANADA
AND
THE GOVERNMENT OF THE KINGDOM OF SPAIN
CONCERNING CINEMATOGRAPHIC RELATIONS
DONE AT MADRID ON 14 JANUARY 1985

THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE KINGDOM OF SPAIN, hereinafter referred to as the “Contracting Parties”;

DESIRING to amend an Agreement on Cinematographic Relations;

HAVE AGREED to modify the following Articles:

ARTICLE I

Amendment of Article I

1. For the purposes of this Agreement, “co-production” means audio-visual creations of any length and in any medium, including feature, animation and documentary films, in accordance with the existing provisions in either country, intended for commercial release through theatres, television, videocassette, videodisc or by any other new forms of audio-visual production and distribution.

2. The cinematographic co-productions made under the provisions of this Agreement will be fully entitled to the benefits of the legislation governing the industry presently in effect or enacted in the future in either country.

These benefits accrue solely to the producer of the country that grants them.

Nonetheless, the competent authorities may limit the assistance specified under existing or future provisions in the country that grants it, in the case of co-productions where the financial contribution is not proportional with the technical and artistic participation.

This limitation must be communicated to the co-producer concerned when the co-production project is approved.

3. Non-cinematographic audio-visual co-productions may benefit from this Agreement solely for the purpose of national accreditation, independently of the benefits ensuing from present or future provisions in either country.

4. Co-productions between the two countries must be approved by both countries, after consultation between the competent authorities:

In Canada: the Department of Canadian Heritage

In Spain: the Instituto de la Cinematografía y de las Artes Audiovisuales and the respective Administrations of the Comunidades Autónomas with respect to the co-producers based there.

ARTICLE II

Amendment of Article III

1. The co-productions must be made by Canadian or Spanish directors or directors who are permanent residents of Canada or residents in Spain or a national of a member state of the European Union, with the participation of technicians and performers of Canadian or Spanish nationality, or permanent residents of Canada or residents in Spain or a national of a member state of the European Union.
2. If the co-production so requires, the participation of performers of recognized international stature who are not citizens of one of the co-producing countries may be permitted for the leading role, subject to agreement between the competent authorities of both countries. Foreign performers who are normally resident and employed in Canada or Spain may take part in co-production as residents of one or the other of the said countries.
3. When an individual is a national of both Canada and Spain, the nationality corresponding to his habitual residence shall prevail or, failing that, the last nationality acquired.

ARTICLE III

Amendment of Article IV

1. The proportion of the respective contributions of the co-producers of the two countries may vary from twenty (20) to eighty (80) per cent for each film.
2. The minority co-producer shall be required to make an effective technical and creative contribution. In principle, the contribution of the minority co-producer in creative staff, technicians and actors shall be in proportion to his investment. Creative staff includes the author of the story and the scriptwriter, the director, the music composer, the editor, the director of photography and the art director. In all cases, the participation of each of these creative elements will be allocated to the country that contributes it. In principle, each country's contribution will include, as a minimum, one element defined as creative, one actor in a leading role, one actor in a secondary role and a qualified technician. For these purposes, two qualified technicians may be substituted for the actor in the leading role.

In exceptional cases, modifications to this rule may be admitted jointly by the competent authorities of the two countries.

ARTICLE IV

Amendment of Article VI

1. The Contracting Parties look favourably upon co-productions meeting the international standards subscribed to by Canada and Spain with other countries to which either of the said parties is bound by co-production agreements.
2. While the minimum financial contribution for a Canadian producer cannot be less than 20%, a 10% minimum financial contribution by EU members can be made only in the case of a multipartite co-production.
3. The conditions of approval for these cinematographic works must be examined case by case.

ARTICLE V

Amendment of Article VIII

Delete Article VIII. The numbering of all remaining Articles will reflect the deletion of Article VIII.

Articles IX to XX will be renumbered VIII to XIX.

ARTICLE VI

Final Clause

The present Amendment shall enter into force on the date of its signature.

IN WITNESS WHEREOF the undersigned, duly authorized to that effect, have signed this Amendment.

DONE in duplicate at Ottawa, this 10th day of October 2006, in the English, French and Spanish languages, each version being equally authentic.

**FOR THE GOVERNMENT
OF CANADA**

**FOR THE GOVERNMENT OF
THE KINGDOM OF SPAIN**