



**NL FILM  
FONDS**

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE NATIONAL FILM AND VIDEO FOUNDATION OF SOUTH  
AFRICA**

**AND**

**NETHERLANDS FILM FUND**

The Republic of South Africa and the Kingdom of the Netherlands signed an Agreement on audiovisual co-production on 11 December 2015.

The Netherlands Film Fund and the National Film and Video Foundation of South Africa are the Competent authorities responsible for the implementation of this Agreement on audiovisual co-production.

In pursuit of shared objectives held by The Netherlands Film Fund and the National Film and Video Foundation of South Africa (hereinafter jointly referred to as the "Parties") , with respect to the development of the audio-visual sector in the Kingdom of Netherlands and the Republic of South Africa, respectively hereby wish to formalise their engagement in this Memorandum of Understanding by setting out areas of co-operation and shared responsibility guided by the principle of mutual respect for each other's national sovereignty and independence.

**ARTICLE I**

**INSTITUTIONAL FRAMEWORK**

Purpose of this Memorandum is to open the organisational relationship for a working framework so as to strengthen the parties operational pillars.

**ARTICLE II**

**DISTRIBUTION AND EXHIBITION**

To enhance the distribution and promotion of the co-produced audiovisual works in their territories the parties shall use their best efforts and means available to:

- a. facilitate distribution schemes that will ensure wider reach and audience for the co-produced audiovisual works;
- b. enhance the promotion of the co-produced audiovisual works by bringing the co-produced audiovisual works to the public attention and to generate publicity for these works during possible national film festivals, film education programs, programs to promote the participation in film festivals and other cultural events.

### **ARTICLE III TRAINING AND EXCHANGE**

The parties shall for the purpose of mutual assistance co-operate and pursue the following programmes in capacity building:

- a. encourage co-operation between their respective film institutions and film schools through the possible exchange of staff, students and institutional materials between the film schools and institutions;
- b. to guide the citizens of the other country to film research facilities and point out possible scholarships and grants for students and graduates to study Cinematography or Film Production in each other's specialised institutions;
- c. in collaboration with respective national organisations, the parties encourage exchange in relation to training trainers and students through specialised seminars and access to works of reference.

### **ARTICLE IV FESTIVALS**

The parties shall identify key festivals in their respective territory as a possible platform to showcase the co-produced audiovisual works. The Parties collaborate in organising networking events for film professionals of both nationalities

## **ARTICLE V CO-PRODUCTION**

To stimulate the coproduction between both countries in the field of film production the parties shall:

- a. encourage and facilitate the collaboration between producers and other film professionals between the two countries;
- b. organise meetings between film makers, producers and other industry professionals from both countries and encourage the convening of seminars for producers to inform them about the possibilities of film financing in their countries;
- c. try their best to facilitate access to funds to support co-productions between both countries thanks to existing support mechanisms such as subsidies, tax incentives and other government related support measures.

## **ARTICLE VI OBSERVATION OF LAWS AND REGULATIONS**

The parties and the film institutions active in the Kingdom of the Netherlands and the Republic of South Africa shall observe the laws and regulations of the other country when participating in programs and projects organised under this Memorandum.

## **ARTICLE VII PERIODIC IMPLEMENTATION PROTOCOLS**

The Parties shall, if necessary, by mutual agreement, sign periodic implementation protocols on a two year basis. Such negotiation shall be carried out within the framework of this Memorandum

## **ARTICLE VIII FINANCIAL IMPLICATIONS**

Financial arrangements connected with the implementation of this Memorandum shall be regulated on the basis of reciprocity, unless otherwise arranged for by special Agreement.

## **ARTICLE IX SETTLEMENT OF DISPUTES**

The Parties shall settle all issues concerning the interpretations or applications of the provisions of this Memorandum by mutual consent.

## **ARTICLE X PROTECTION OF PROPERTY RIGHTS**

The Parties shall endeavour to prevent infringements of each other's Cultural and Intellectual Property Rights.

## **ARTICLE XI AMENDMENTS**

This Memorandum shall be amended by mutual consent. Any amendment or revision to this Agreement shall be subject to the same procedure as at the time of it entering into force.

## **ARTICLE XII ENTRY INTO FORCE**

This Memorandum shall enter into force provisionally upon signature and definitely on the date the Agreement on audiovisual co-production signed on 11 December 2015 has effect.

## **ARTICLE XIII DURATION**

This Memorandum shall remain valid for a period of five (5) years. On its expiration, it shall be automatically renewed by tacit agreement, for additional periods of five years, each, unless notice to terminate is given in writing by one of the contracting parties six (6) months prior to the expiration of the relevant period.



**ARTICLE XIV  
UNEXPIRED AND EXISTING OBLIGATIONS**

At the expiration of termination of this Memorandum, its provision and the provisions of any separate protocols, contracts, agreement of accord made in that respect shall continue to govern whatever unexpired obligations or projects commenced there under. Any such obligations or projects shall be carried on to completion.

**IN WITNESS WHEREOF**, the undersigned being duly authorized by their respective government have signed this Memorandum.

Done at.....this.....day of.....2016

**Signature**.....  
For: Netherlands Film Fund

**Signature**.....  
For: National Film & Video  
Foundation of the Republic of  
South Africa