Fair Co-production Charter
Europe / Emerging countries

Introduction:

In a great number of emerging countries a lot of images from all over the world reach the TV screens everyday with very little production of cultural works (fiction, documentary or animation) coming from those countries. The result is that cultures and identities of those areas are depicted more by an outsider viewpoint than by their own. What is at stake today is to have local authors and directors producing and creating images reflecting their own view on their countries’ realities and of the world.

To deal with this issue, programs conceived by Doc Monde were launched in order to train a generation of directors and independent producers of high quality creative documentary films. Every year, Doc Monde brings together, in Saint-Louis du Sénégal (since 2007), in Tamatave (2012), in Yerevan (2012), in Saint-Laurent du Maroni and Pondimiè (2014), in Phnom Penh (2015) and in Quito (2016), producers, cultural institution officials, along with broadcasters, Europeans and locals, to “Tënk”(1) Co-Production Meetings so that they can listen to authors and directors present their film projects.

(1: Wolof word from Senegal that means “to sum up one thoughts”.)

From these meetings was born the wish to produce creative documentaries together with producers from different areas of the world and Europe, and reunite them in the Lumière Collection specific to each area: Lumière of Africa, Lumière of Indian Ocean, Lumière of Eurasia, Lumière of Pacific, Lumière of Caribbean Amazonia, Lumière of Andes, Lumière of Southeast Asia. The association Lumière du Monde coordinates these collections.

The program goals are:

- To bring to the foreground a new generation of documentary filmmakers.
- To establish connections between film professionals and create an international network.
- To support the development of the independent producers’ network of each area.
- To work together in order to create tomorrow’s reference works.
- To value the author’s works in the frame of the Lumière Collections, which defend high editorial quality.

1 – Definition

Film collections Lumière are designed to revitalize the production, distribution and broadcasting of creative documentary films in Europe - Eurasia - Africa - Indian Ocean - Caribbean Amazonia - Pacific - South East Asia - The Andes.
For their projects to be part of the Lumière collections authors and directors have to live and work in Eurasia, Africa, Indian Ocean, Caribbean Amazonia, Pacific, Southeast Asia or The Andes. They also have to have participated in the writing residencies and the Tênk coproduction meetings organised by Docmonde.

From the European side: the TV partners commit to co-produce some of the films projects presented in the coproduction meetings that will be broadcasted on their channel. Every year, those films will constitute a new season of the Lumière collections.

2 – Co-producers

The role of the European producer is to accompany the producer, the director, and the technicians (production manager, sound operator, camera operator, editor...) from Eurasia, Africa, Indian Ocean, Caribbean Amazonia, Pacific, Southeast Asia and The Andes, so that in each of these regions the know-how of the professionals can be developed and strengthen in order to reach a good level of professional skills.

It’s up to every pair of co-producers (local and European producer) to define between them the percentage distribution of the work’s industrial property. Even though the funding opportunities available for independent producers in the above mentioned countries are scarce and in order to be fair, it is essential to reappraise the « intangible » contribution of the authors, directors and producers; and to take into account the cultural value of those projects lead by the producers of these regions.

In the end, whatever the contribution in cash or in kind from each of the co-producers, local producers who co-produce a project with a European producer as part of the Lumière collections, will own a minimum of 40% of the industrial property of the work.

The phases of development, location scouting, shooting and post-production will be conducted on the basis of estimated budgets supplied by each party. The contracts of coproduction will plan in precise terms the financing conditions of the shooting and the post-production. Operating accounts real and justified with total transparency of revenues and expenditures will be supplied by every co-producer to establish the definitive balance sheet of the production with fair distribution of profits (or losses).

At the end of the post-production, the European producer will supply to its partner producer a hard drive with all the elements of the movie: rushes, final cut and files of editing in all the versions.

The conditions of exploitation and distribution of the films will be defined in the coproduction contract according to the parties, which make a commitment to supply to each other annual statements of operating receipts and to proceed to the corresponding payments.

3 – Copyright

We defend the Latin copyright principle. This way, when a director from one of these areas is co-produced by a European producer, the director will sign an author and film-directing contracts.
Therefore, he/she has to register his/her film at the copyright office of his/her country of residence or country of production, and in Europe at the SCAM (Civil Society of Multimedia Authors). In parallel, the European co-producer commits to advise SCAM in France, Belgium and Switzerland in order for the copyrights to be paid to the authors, as a continuation of the film distribution.

Conscious of the often precarious situations of the authors in some areas of production, the terms of these contracts must be scrupulously respected, in particular the payment of the amounts due at the signature of the contract and the balance before the beginning of the shooting.

4 – Production / Post-production crew

The shooting has to be done in Eurasia, Africa, Indian Ocean, Caribbean Amazonia, Pacific, Southeast Asia or The Andes. Very often the post-production (editing, mixing) has to be done in Europe according to obligations of expenses.

Film crew: Sound operators, camera operators, and technicians have to be recruited among professionals from Eurasia, Africa, Indian Ocean, Caribbean Amazonia, Pacific, Southeast Asia or The Andes. If for any reason agreed by both sides some positions were held down by Europeans, the production will have to hire local interns for the film’s shooting, in order to make possible the emergence of technical skills in the concerned country.

Post-production crew: According to the French CNC and European regulations agreements, the post-production (editing, sound mixing, colour matching, broadcast-ready release...) has to be done by Europeans. Nevertheless, it is still possible for local interns to be trained in Europe, if both parties agree so.

5 – Commitments in the Lumière Collections

If this charter tends to define a model of fair co-production rather restrictive for European producers, on the other hand it gives them an image, an ethical quality certification that they will be able to claim. To commit in the frame of the Lumière du Monde co-productions implies sharing responsibilities. This is what will create a trustworthy relationship between the co-producers. These technical and ethical obligations are based on reciprocity. Nevertheless the strict conditions of European production imply that European producers who get involved in the Lumière Collections have to obey in some constraints, such as time and deadlines, which are more demanding than in other parts of the world.

On their side, the local producers commit in complying with social obligations and copyrights, paying the allowed salaries within the deadline chosen by the production and respecting the work schedules and the directing time decided in the co-production agreement. Shooting and editing will have to be done in due time so that producers can respect the broadcast-ready’s deadline to the partners of the Lumière Collections, unless an extreme event arises, leading to an agreement from every sides.

Commitment with this charter is one of the first steps to be able to co-produce within the Lumière Collections. The failure to comply with this charter will lead to the impossibility for a producer to co-produce another film of the Lumière Collections.