COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Council of Europe Treaty Series - No. [***]

Council of Europe Convention on the Co-Production of Audiovisual Works in the Form of Series

[Lille, 26.III.2026]

Preamble

The member States of the Council of Europe and other States Parties to the European Cultural Convention (ETS No. 18), signatory hereto,

Considering that the aim of the Council of Europe is to achieve greater unity between its members in order, in particular, to safeguard and promote the ideals and principles which form their common heritage;

Considering that freedom of creation and freedom of expression constitute fundamental elements of these principles;

Considering that fostering the cultural diversity of the various European countries is one of the aims of the European Cultural Convention;

Having regard to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Paris, 20 October 2005), which recognises cultural diversity as a defining characteristic of humanity and strives to strengthen the creation, production, dissemination, distribution and enjoyment of cultural expressions;

Considering the final declaration of the Council of Europe Conference of Ministers of Culture, adopted in Strasbourg on 1 April 2022, as well as the conclusions of the High-level Conference on drama series, organised under the auspices of the Hungarian Presidency of the Committee of Ministers (Budapest, 30 September-1 October 2021);

Considering Recommendation CM/Rec(2017)9 of the Committee of Ministers to member States on gender equality in the audiovisual sector;

Considering the ability of digital technologies to affect cultural and creative production and distribution models, as well as access to cultural services and media, together with the potential for artificial intelligence and data curation to influence accessibility to cultural content and in particular audiovisual works, to the detriment of democratic values and cultural diversity;

Considering that co-production of audiovisual works in the form of series intended for linear and non-linear distribution is an instrument of creation and expression of cultural diversity on a global scale, and that it plays an essential role in upholding freedom of expression, diversity and creativity, as well as democratic citizenship;

Acknowledging the contribution of independent producers to cultural diversity and their important role in initiating, assembling creative elements of, developing and producing audiovisual works in the form of series, and determined to enhance their contribution to the co-production of such works;

Acknowledging the key contribution of public and private media service providers to the development, production and distribution of audiovisual works in the form of series across member States;

Aware of the wide diversity of business practices in the member States and the need for a standard reference to facilitate fair exchanges between all players involved in the production of audiovisual works in the form of series;

Determined to develop these principles and recalling the following recommendations of the Committee of Ministers to member States: Recommendation CM/Rec(2022)15 on the role of culture, cultural heritage and landscape in helping to address global challenges, Recommendation No. R (86) 3 on the promotion of audiovisual production in Europe and Recommendation CM/Rec(2009)7 on national film policies and the diversity of cultural expressions;

Acknowledging that Resolution (88) 15 setting up a European Support Fund for the Co-production and Distribution of Creative Cinematographic and Audiovisual Works “Eurimages” was conceived to accommodate actions aimed at the support of both cinematographic and audiovisual works;

Considering that the adoption of common rules tends to decrease restrictions, foster trust and encourage co-operation in the field of co-production of audiovisual works in the form of series;

Considering the technological, economic and financial evolution of the audiovisual sector, and the role played by audiovisual works in the form of series in this evolution;

Considering that international co-production of audiovisual works in the form of series contributes to a wider circulation;

Considering that improved availability of data, in particular with regard to viewing, contributes to a better understanding of the success and circulation of audiovisual works in the form of series;

Resolved to achieve these objectives thanks to a joint effort to foster co-operation and define rules which adapt themselves to the co-production of audiovisual works in the form of series, as a whole,

Have agreed as follows:

Chapter I – General provisions

Article 1 – Aim of the Convention

The Parties to this Convention undertake to foster international co-production of audiovisual works in the form of series, in accordance with the following provisions.

Article 2 – Scope

1 This Convention shall govern relations between the Parties in the field of co-productions of audiovisual works in the form of series originating in the territory of the Parties.

2 This Convention shall apply to:

a bilateral co-productions involving two independent co-producers established in two different Parties to the Convention, and which may involve one or more other co-producers;

and

b multilateral co-productions involving three or more independent co-producers established in different Parties to the Convention, and which may involve one or more other co-producers.

In all cases, this Convention shall apply only on condition that the work meets the definition of an officially co-produced audiovisual work in the form of series, as defined in Article 3, sub-paragraph f, below.

3 In the case of multilateral co-productions, the provisions of this Convention shall override those of bilateral agreements between the Parties to the Convention.

4 The provisions of the bilateral agreements concluded between the Parties to this Convention, which are relevant to audiovisual works in the form of series, shall apply to bilateral co-productions unless the Parties concerned decide to apply this Convention.

Article 3 – Definitions

For the purposes of this Convention:

a the term “audiovisual work in the form of a series” (hereinafter “series”) shall mean a scripted fiction, documentary or animation work, presented in a succession of episodes of any length, intended to be made available by linear or non-linear means by a media service provider;

b the term “media service provider” shall mean the natural or legal person that has editorial responsibility for the choice of audiovisual content of the audiovisual media service, and that determines the manner in which it is organised;

c the term “season” shall mean a coherent group of episodes in the form of a sequence usually, but not exclusively, made available over a period of twelve months;

d the term “co-producers” shall mean audiovisual production companies, media service providers or other actors bound by a co-production contract;

e the term “independent co-producers” shall mean audiovisual production companies that are bound by a co-production contract and qualify as independent under the domestic law provisions of their countries of establishment or, in the absence of such provisions, that satisfy the criteria of independence as set out in Appendix III;

f the term “officially co-produced series” (hereinafter “the official co-production”) shall mean an audiovisual work in the form of a series which falls within the scope of this Convention and which is compliant with Articles 6 to 8 under Chapter II of this Convention and the criteria laid down in Appendix I, which is an integral part of this Convention.

Chapter II – Rules applicable to official co-productions

Article 4 – Assimilation to national works

1 The official co-production, as defined under Article 3, sub-paragraph f of this Convention, shall be eligible for the financial benefits granted to national works by the legislative and regulatory provisions in force in each of the Parties to this Convention that are participating in the co-production concerned.

2 The financial benefits shall be granted to each independent co-producer by the Party in which the independent co-producer is established, insofar as the conditions and limits provided for by the legislative and regulatory provisions in force in that Party are complied with.

Article 5 – Conditions for obtaining official co-production status

1 Any official co-production shall be subject to the approval of the competent authorities of the Parties in which the independent co-producers are established, after consultation between the competent authorities and in accordance with the procedures laid down in Appendix II. This appendix shall form an integral part of this Convention.

2 Applications for official co-production status shall be submitted for approval to the competent authorities according to the application procedure laid down in Appendix II. This approval shall be final except in the case of failure to comply with the initial undertakings concerning artistic, financial or technical matters.

3 Series of a blatantly pornographic nature or those that advocate discrimination, hate or violence, or that seriously violate human dignity cannot be accorded official co-production status.

4 The benefits provided by official co-production status shall be granted to independent co-producers who are deemed to possess adequate technical and financial means, and sufficient professional qualifications.

5 Each Contracting State shall designate the competent authorities mentioned above by means of a declaration made at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession. This declaration may be modified at any time afterwards.

Article 6 – Proportions of the financial contributions

1 In the case of bilateral co-productions, the minimum financial contribution from a co-producer or co-producers established in one Party may not be less than 10% and the largest financial contribution may not exceed 90% of the total production cost of the series.

2 In the case of multilateral co-productions, the minimum financial contribution from a co-producer or co-producers established in one Party may not be less than 5% and the maximum financial contribution may not exceed 80% of the total production cost of the series.

Article 7 – Rights of co-producers to the series

1 The co-production contract must guarantee to each independent co-producer an ownership share of rights to the finished work. The allocation of shares should take into account the respective financial contributions of the independent co-producers and their creative and technical expenditures.

2 The ownership share assigned to co-producers that are not established in a Party to the Convention may not exceed a total of 30%.

3 A share of exploitation rights and revenues shall be assigned to each independent co-producer. Exploitation rights may not be licensed in perpetuity and the periods of licensing shall allow the independent co-producers to benefit from the residual value of the rights.

Article 8 – Technical and artistic participation

1 The series is initiated by at least one independent co-producer.

2 The contribution of each of the independent co-producers shall include effective technical and artistic participation.

3 The independent co-producers shall manage and participate in key creative and production decisions.

Article 9 – Understanding of the success and circulation of official co-productions

Media service providers and their subsidiaries involved in an official co-production shall provide audience data and information on the exploitation of series that have obtained official co-production status.

This information shall be provided to all co-producers of the series and may be collected by the competent authorities, as defined in Article 5, paragraph 5, of this Convention, as far as relevant competition law allows.

Article 10 – General balance of relations

1 A general balance must be maintained in the relations between the Parties, with regard both to the total amount invested and the artistic and technical participation in official co-productions.

2 A Party which, over a reasonable period, observes a deficit in its co-production relations with one or more other Parties may withhold its approval of a subsequent co-production until balanced relations with that Party or those Parties have been restored.

Article 11 – Entry and residence

In accordance with the laws, regulations and international obligations in force, each Party shall facilitate entry and residence, as well as the granting of work permits in its territory, for technical and artistic personnel from the other Parties that are participating in an official co-production. Similarly, each Party shall permit the temporary import and re-export of equipment necessary to the production and distribution of series falling within the scope of this Convention.

Article 12 – Credits of co-producing countries

1 Co-producing countries shall be credited in official co-productions.

2 The names of these countries shall be clearly mentioned in the credit titles, in all publicity and promotion material and when official co-productions are made available to the public.

Article 13 – Export

When an official co-production is exported to a country where imports of series are subject to quotas and one of the co-producing Parties does not have the right of free entry for its series to the importing country:

a the official co-production shall normally be added to the quota of the country which has the majority financial participation;

b in the case of an official co-production which comprises an equal participation from different countries, the season shall be added to the quota of the country which has the best opportunities for exporting to the importing country;

c when the provisions of sub-paragraphs a and b above cannot be applied, the official co-production shall be entered in the quota of the Party that provides the series creator.

Article 14 – Languages

When granting official co-production status, the competent authority of a Party may demand from the independent co-producer established therein a final version of the series in one of the languages of that Party.

Chapter III – Final provisions

Article 15 – Follow-up to the Convention and amendments to Appendices I, II and III

1 The Board of Management of the European Support Fund for the Co-production and Distribution of Creative Cinematographic and Audiovisual Works, “Eurimages” (hereinafter “the Board”), in its composition restricted to the Parties to this Convention, shall be responsible for the follow-up to this Convention.

2 Any Party to this Convention which is not a member of “Eurimages” may be represented in the Board and have one vote in any meeting convened to carry out follow-up tasks.

3 The Board, when meeting for the purpose of carrying out follow-up tasks, shall be convened by the Secretary General of the Council of Europe whenever necessary and, in any case, when a majority of the Parties requests its convocation.

4 The Board shall be promptly convened after the entry into force of the Convention in 10 States.

5 In order to promote the effective application of this Convention, the Board, when acting within the meaning of the two previous paragraphs, may:

a make proposals to facilitate the exchange between the Parties of experience and good practice;

b formulate its opinion on any question concerning the application and the implementation of this Convention, and make specific recommendations to the Parties in this respect.

6 In order to update the provisions of Appendices I, II and III of this Convention to ensure their continuing relevance to common practices in the series industry, amendments may be proposed by any Party, by the Committee of Ministers or by the Board in its restricted composition. These amendments shall be communicated by the Secretary General of the Council of Europe to the Parties.

7 After having consulted the Parties, the Committee of Ministers may adopt an amendment proposed in accordance with paragraph 6 of this article by the majority provided for in Article 20.d of the Statute of the Council of Europe (ETS No. 1). The amendment shall enter into force following the expiry of a period of one year after the date on which it has been forwarded to the Parties. During this period, any Party may notify the Secretary General of any objection to the entry into force of the amendment in its respect.

8 If one third of the Parties notify the Secretary General of the Council of Europe of an objection to the entry into force of the amendment, the amendment shall not enter into force.

9 If less than one third of the Parties notify the Secretary General of an objection, the amendment shall enter into force for those Parties which have not made an objection.

10 Once an amendment has entered into force in accordance with paragraphs 7 and 9 of this article, and a Party has made an objection to it, this amendment shall come into force in respect of the Party concerned on the first day of the month following the date on which the Party has notified the Secretary General of the Council of Europe of its acceptance of the amendment. A Party which has made an objection may withdraw it at any time by notifying the Secretary General of the Council of Europe.

11 If the Committee of Ministers adopts an amendment, a State may not express its consent to be bound by the Convention without accepting at the same time the amendment.

Article 16 – Signature, ratification, acceptance, approval

1 This Convention shall be open for signature by the member States of the Council of Europe and the other States Parties to the European Cultural Convention, which may express their consent to be bound by:

a signature without reservation as to ratification, acceptance or approval; or

b signature, subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 17 – Entry into force

1 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which three States, including at least two member States of the Council of Europe, have expressed their consent to be bound by the Convention, in accordance with the provisions of Article 16.

2 In respect of any signatory State which subsequently expresses its consent to be bound by it, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of signature or the deposit of the instrument of ratification, acceptance or approval.

Article 18 – Accession of non-member States

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties, invite any State which is not a member of the Council of Europe to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.

2 In respect of any acceding State, this Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 19 – Territorial application

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of the declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such a declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such a notification by the Secretary General.

Article 20 – Reservations

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, reserve the right to fix a minimum financial contribution different from those laid down in Article 6 of this Convention. No other reservation may be made.

2 Any Party which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe.

The withdrawal shall take effect on the date of receipt of such a notification by the Secretary General.

Article 21 – Denunciation

1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2 The denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 22 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any State which has acceded to this Convention, or has been invited to do so, of:

a any signature;

b the deposit of any instrument of ratification, acceptance, approval or accession;

c any date of entry into force of this Convention in accordance with Articles 17, 18 and 19;

d any reservation and withdrawal of a reservation made in pursuance of Article 20;

e any declaration made in accordance with Article 5, paragraph 5;

f any denunciation notified in accordance with Article 21;

g any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at [Lille, this 26th day of March 2026], in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to the States mentioned in Article 16, paragraph 1, and to any State which has been invited to accede to this Convention.

APPENDICES

Appendix I – Criteria for qualification of a series as an official co-production

Appendix II – Application procedure

Appendix III – Independence criteria

Appendix I – Criteria for qualification of a series as an official co-production

1 A fiction series qualifies as an official co-production in the sense of Article 3, sub-paragraph f, if with regard to the elements originating in the States Parties to the Convention it obtains at least 24 of the total 31 points according to the list of elements set out in Table 1.

2 Having regard to the characteristics of the co-production, the competent authorities may, after consulting each other, grant official co-production status to a work with a number of points that is less than the formally required points under paragraph 1.

3 The official co-production status is granted to a season. In the case of recurring seasons, the independent co-producers must submit an application for each season separately.

Table 1 – Fiction – One season

Elements originating in States Parties to the Convention	Weighting points
Series creator	5
Scriptwriter(s)	4
Director(s)	3
Composer	2
First role	3
Second role	2
Third role	1
Head of Department – production or costume design	2
Head of Department – cinematography	2
Head of Department – picture editing	2
Head of Department – Sound	2
Shooting location	1
Visual effects (VFX) and computer-generated imagery (CGI)	1
Post-production location	1
Total	**31**

4 An animation series qualifies as an official co-production in the sense of Article 3, sub-paragraph f, if with regard to the elements originating in the States Parties to the Convention it obtains at least 26 of the total 40 points according to the list of elements set out in Table 2.

5 Having regard to the characteristics of the co-production, the competent authorities may, after consulting each other, grant official co-production status to a work with a number of points that is less than the normally required points under paragraph 4.

6 The official co-production status is granted to a season. In the case of recurring seasons, the independent co-producers must submit an application for each season separately.

Table 2 – Animation – One season

Elements originating in States Parties to the Convention	Weighting points
Series creator	4
Graphic bible	4
Script	4
Directing	4
Music composition	2
Storyboard	4
Character modelling	2
Backgrounds	2
Original voice actor in the leading role	2
Animation director	3
75% of expenses for animation in States Parties to the Convention	3
Compositing/VFX/lighting	2
Picture editor	2
Sound designer	2
Total	**40**

7 A documentary series qualifies as an official co-production in the sense of Article 3, sub-paragraph f, if with regard to the elements originating in the States Parties to the Convention it obtains at least 50% of the total applicable points according to the list of elements set out in Table 3.

8 Having regard to the characteristics of the co-production, the competent authorities may, after consulting each other, grant official co-production status to a work with a number of points that is less than the normally required 50% of the total applicable points.

9 The official co-production status is granted to a season. In the case of recurring seasons, the independent co-producers must submit an application for each season separately.

Table 3 – Documentary – One season

Elements originating in States Parties to the Convention	Weighting points
Series creator	5
Scriptwriter(s)	3
Director(s)	2
Researcher	2
Composer	2
Director of photography	3
Picture editor	3
Sound designer	2
Shooting location	1
VFX and CGI	1
Post-production location	2
Total	**26**

Appendix II – Application procedure

1 Provisional co-production recognition

In order to benefit from the provisions of this Convention, the independent co-producers established in the Parties must, in due time before the start of principal photography or animation of a season, submit an application for provisional co-production status and attach the documents listed below. These documents must reach the competent authorities at the latest one month before shooting commences in order to allow them to be communicated to the authorities of the other Parties.

In this communication to the other Parties, each Party must indicate the relevant provisions of domestic law or of Appendix III to be applied to qualify as an independent co-producer under Article 3, sub-paragraph e.

Documents to be provided include:

- a declaration summarising the ownership of the finished work, with the clear indication of shares for each owner;
- the chain of title;
- a bible of the series;
- a provisional list of the technical and artistic contributions from each of the countries involved;
- a budget and a provisional financing plan of the season;
- a provisional production schedule;
- the co-production contracts or short-form agreements (“deal-memos”) made between the independent co-producers, and the contracts between the co-producers; these documents must include clauses providing for the distribution of receipts or territories between the co-producers, and between the co-producers and the media service providers.

2 Final co-production recognition

Final official co-production status is granted on completion of the season of the series and after examination of the following definitive production documents by the competent authorities:

- a declaration summarising the ownership of the finished work, with the clear indication of shares for each owner;
- the final script of all episodes of the season;
- the definitive list of the technical and artistic contributions from each of the countries involved;
- the final cost report of the season;

- the definitive financing plan of the season;

- the co-production contracts between co-producers and the contracts between the co-producers and the media service providers; these documents must include clauses providing for the distribution of revenues or territories between the co-producers, and between the co-producers and the media service providers.

The competent authorities can request any other document necessary for the evaluation of the application in accordance with their national legislation.

The application and other documents shall be presented, if possible, in the language of the competent authorities to which they are submitted.

Appendix III – Independence criteria

In the absence of domestic law provisions and for the application of Article 3, sub-paragraph e, the competent authorities of the Parties concerned shall define an audiovisual production company as independent with reference to the following criteria:

- the company is not majority controlled, either directly or indirectly, by a media service provider;

- the company does not solely or to a large extent depend on a single or group of media service providers for the financing of its works; it assumes the responsibility for the delivery of its works and can make decisions on the distribution using a variety of players.