

**Order of October 17, 1990, Issued Pursuant to Article 20 (Title II) of Law No. 85-660 of July 3, 1985, on the Rights Neighboring on the Copyright of Performers Engaged for the Making of an Audiovisual Work**

**Article 1.** The requirements of the Specific Agreement of June 7, 1990, Concerning Performers Engaged for the Making of a Cinematographic Work are hereby made compulsory for any cinematographic work production enterprise.

**Article 2.** The provisions of the Specific Agreement referred to in Article 1 shall be made compulsory on the date of publication of this Order for the term specified in the said Agreement.

**Article 3.** The Director of General Administration and the Director General of the National Cinematography Center shall be responsible for the implementation of this Order, which shall be published, together with the aforesaid Agreement, in the official journal of the French Republic.

**ANNEX**

**Specific Agreement Concerning Performers  
Engaged for the Making of a Cinematographic Work**

Between:

The Chamber of Producers and Exporters of French Films, 5, rue du Cirque, 75008 Paris, represented by its President, Mr. Poiré (Alain);

The French Association of Film Producers, 50, avenue Marceau, 75008 Paris, represented by its President, Mr. Dauman (Anatole);

The Union of Film Producers, 1, place des Deux-Écus, 75001 Paris, represented by its President, Mr. Zeitoun (Ariel),

On the one hand, and

The French Union of Performing Artists (SFA)—CGT, 21*bis*, rue Victor-Massé, 75009 Paris, represented by its Secretary-General, Mr. Parrot (François);

The Union of the Entertainment Performers (Sydas)—CFDT, 85, rue Chariot (Room 406), 75003 Paris, represented by its Secretary-General, Mrs. Swann (Eva),

On the other hand,

Pursuant to Articles 19 and 20 of the Law of July 3, 1985, the following has been agreed:

**1.** The remuneration agreed upon between a performer and a producer for the making of a cinematographic work shall be in the nature of a fee of a minimum of 1,637 francs, composed as follows:

---

900 francs for cinematographic exploitation in any places and premises open to the public;

560 francs for exploitation by television broadcasting;

177 francs for exploitation in the form of videograms intended for private use by the public.

This salary shall be revised in the light of the trade agreements in force.

The producer shall complement the said salary by paying to the collecting and distribution society appointed by the signatories of this Agreement a sum set at two per cent of the net operating revenue earned by the producer after the cost of the film has been covered.

This percentage shall include the complementary remuneration paid to the performer and also all charges made to that remuneration.

The sum shall be distributed among the performers in proportion to their initial salary, provided that any initial fees exceeding seven times the minimum fee in force, namely at present 11,459 francs per day of work, shall not be taken into account.

The cost of the film used to calculate amortization shall be determined on the grant of the complementary approval. The cost of the film and the net operating revenue earned by the producer shall be specified in an annex to this Agreement.

**2.** Within six months following the first exploitation of the work, the producer shall submit to the collecting and distribution body a statement specifying:

- the cost of the film;
- the list of performers engaged for the making of the work;
- the number and amounts of the fees paid to each performer, the amounts of fees being where applicable limited to the ceiling provided for in Article 1;
- the amount of net exploitation revenue received by the producer, on the one hand for exploitation in France, broken down by type of exploitation, and on the other hand for exploitation abroad.

The statement of net exploitation revenue, and also any payments, shall thereafter be remitted annually to the collecting and distribution body.

**3.** The contracting parties hereby decide to create, as of the date of entry into force of this Agreement, a Joint Conciliation Board to which disputes regarding the application of the said Agreement shall be compulsorily submitted for settlement.

This Board shall be obliged to meet within 30 days following the date on which either signatory association refers a dispute to it.

---

Should the Board fail to meet within the period allowed above, each of the parties involved in the dispute may refer it to the competent jurisdiction.

4. This Agreement shall enter into force as of the date on which, pursuant to the provisions of Article 20 of the Law of July 3, 1985, it has been made compulsory by order of the Minister concerned.

This Agreement shall apply to contracts signed as from its entry into force.

It is concluded for a period of five years from the date of its signature, and thereafter shall be prolonged annually by tacit renewal unless denounced by either party by registered letter at least six months prior to the end of a calendar year.

Done in Paris on June 7, 1990.

---

\* *Entry into force:* December 1, 1990.

*Source:* Journal officiel de la République française, of December 1, 1990—WIPO translation.