

LAW ON CINEMATOGRAPHY

(“Official Gazette of the Republic of Montenegro”, No. 45/93)

Article 1

As stipulated by this Law, cinematography comprises of production, distribution, copying, renting and public screening of films.

As stipulated by this Law, a film may be registered on all media from which an audiovisual reproduction may be accomplished.

Article 2

Natural and legal persons may perform the activities of production, distribution, copying, renting, and public screening of films if they fulfill the conditions stipulated by this Law.

Article 3

Jobs of public interest from the field of cinematography include production of films important for development and improvement of culture of the Republic of Montenegro (hereinafter referred to as: the Republic), presentation of films in the country and abroad, modernisation and enlargement of cinema network, development of audio-visual communications and giving support to young talents in the field of cinematography.

Funds for carrying out jobs of public interest are provided from:

- participation of interested subjects;
- budget of the Republic; and
- other sources (sponsorship, donations, selling, etc.)

Article 4

Funds from the budget of the Republic are provided through republic authority competent for cultural issues, on the basis of annual programme adopted by the Government of the Republic.

Recipients of funds from the par. 1 of this Article are obliged to submit a final expenses report on spent funds to the republic authority competent for cultural issues.

Republic authority competent for cultural issues shall report to the Government of the Republic once a year about the way of using funds under the par. 1 of this Article.

Article 5

Provisions of this Law shall not refer to production, distribution, copying, renting and public screening of films produced by enterprises, institutions and other legal persons for the personal purposes of promoting their work and protection at work; informative films; and films produced by natural persons for their personal needs, unless otherwise provided by this Law.

II PRODUCTION OF FILMS

Article 6

Production of films comprises of preparation for shooting, shooting, processing and post production of films for public screening.

Article 7

Producer of a domestic film, in order to carry out the activity, should have the following:

- annual production programme;
- adequate professional personnel; and
- funds for beginning of work.

Detailed provisions on the conditions from the par. 1 of this Article shall be set by the republic authority competent for cultural issues.

Article 8

Domestic films producer is obliged to be entered into the judicial registry on the basis of approval obtained by the republic authority competent for cultural issues.

Article 9

Domestic films producer may produce films with film workers from the country or in cooperation with international producers.

Article 10

Domestic film is a film produced by one or more domestic film producers with prevailing participation of domestic film workers.

Domestic film is also a film produced in cooperation with international producer in Serbian language, with prevailing participation of domestic film workers, and with, at least, one third of total funds allocated for the film.

Article 11

A film produced in the cooperation with the international producer who comes from the country with which there is a bilateral cooperation agreement in the field of cinematography, is considered a domestic film, if it fulfills all conditions stipulated in the agreement.

1. Film shooting by international producer

Article 12

International producer, independently or in co-production with domestic producer may shoot a film or TV serial at the territory of Montenegro only with special licence obtained.

Licence from the par. 1 of this Article shall be issued by the republic authority competent for cultural issues on the basis of the written request by the international film producer.

Article 13

Request for shooting a film or TV serial must contain place and time of shooting.

The request must be followed by a screenplay with highlighted parts of the text according to which the film will be shot.

Article 14

International producer who independently shoot a film or a TV serial from the Article 12 of this Law is obliged to pay a tax.

Tax from the par. 1 of this Article shall be paid for shooting an international feature film in dinars equivalent to 3,000\$, and for feature film and TV serial 5,000\$ on a day of the execution of obligation, and for documentary and short film in dinars equivalent to 300 \$ for each day of shooting.

Revenues earned from the taxes shall go to the budget of the Republic and shall be used for domestic films production.

III FILM DISTRIBUTION

Article 15

Film distribution consists of purchase, copying, renting and export of domestic films and purchase, import, copying, and renting of international films.

Article 16

Distributor is responsible for film circulation.

Distributor may be a natural and legal person (hereinafter referred to as: distributor).

Article 17

In order to carry out the activity of distribution, a distributor has:

- to have an annual export-import films programme;
- adequate professional personnel;
- equipment and premises; and
- funds for initiating the work.

Detailed provisions governing conditions from the par. 1 of this Article shall be set by the republic authority competent for cultural issues.

Distributor may deal with export-import of films only if registered for carrying out foreign trade activities.

Article 18

Distributor must be entered into the Registry.

1. Copying and renting films

Article 19

Legal and natural persons may copy and rent domestic and international films on video tapes (video cassettes) only if they have copyrights purchased and if they are registered for carrying out such activities.

Article 20

Legal and natural persons may rent domestic or international films copied on video tapes only if they:

- have signed agreement with the enterprise, institution or other legal person who has a right to copy films on video tapes and rent them;
- have an adequate space; and
- have an adequate equipment for carrying out such activities.

A fee for having copyrights on certain film, for the time of using the film, number of copies of a film (video tapes) for rent, etc. shall be set up in the Agreement from the par. 1 of this Article.

IV PUBLIC SCREENING

Article 21

Public screening of a film is every screening available to citizens under the same conditions, in public premises, ie in public spaces.

Screening of a film on television or in the public transportation is considered a public screening.

Article 22

Legal and natural person for the purpose of public screening must have:

- an adequate space;
- an adequate equipment for such activity; and
- a licence for public screening of a film.

Republic authority competent for the cultural issues shall define minimal technical conditions in terms of premises and equipment for film screening.

Article 23

Legal and natural person performing a public screening shall be entered into the Registry.

Article 24

Producer of a domestic film shall issue a licence for public screening of a domestic film.

Distributor who imported an international film shall issue a licence for public screening of an international film.

Article 25

Provisions of a Law on Carrying out Economic Activities based on the personal work and with socially owned means, which refer to the procedure for issuing a licence for carrying out activities, entering into the Registry, temporary suspension and termination of carrying out activities, shall accordingly be applied for carrying out activities of public screening and copying of films, for the means of preservation and distribution of films, and for renting films.

V PRESERVATION OF FILMS AND FILM MATERIAL

Article 26

Producers of films for the purpose of public screening are obliged to inform a Yugoslav Film Library (hereinafter referred to as: the Film Library) about their activities within 30 days of a starting day of exploitation of a film and submit, for the purpose of preservation, the best copy of every produced film together with the relevant documentation.

Distributor who imports a film is obliged to submit the best copy of each imported film to the Film Library immediately after the expiry of a licence for a film.

Copy of imported film shall not be submitted, unless otherwise provided by the Contract of Film Supply or by the International Agreement.

Article 28

Republic authority competent for trade issues is responsible for labour inspection for video clubs.

VI CRIMINAL PROVISIONS

Article 29

A fine from 104, 000 to 8, 600. 000 dinars shall be imposed to a legal person for a petty offence of working without a licence (Article 8 and 18).

A fine from 86,000 to 860,000 dinars shall be imposed to responsible legal person for the petty offences from the par. 1 of this Article.

A fine from 86,000 to 860,000 shall be imposed to a natural person for the petty offences from the par. 1 of this Article.

Article 30

A fine from 104,000 to 7,800.000 dinars shall be imposed for an offence to international producer for shooting a film at the territory of Montenegro without having a licence or acting contrary to the licence (Article 12).

Article 31

A fine from 104,000 to 6,000.000 dinars shall be imposed to a legal person for a petty offence if he/she:

- copies or rents a video tape of a film for which he/she does not have a signed Copyrights Agreement (Article 20);
- within 30 days of the day of beginning of exploitation of a film fail to inform the Film Library about their activities and fail to submit a copy for the purpose of preservation of each film with the following documentation (Article 27).

A fine from 86,000 to 690,000 dinars shall be imposed to a responsible legal person for a petty offence from the par. 1 of this Article.

A fine from 86,000 to 690,000 dinars shall be imposed to a natural person for a petty offence from the par. 1 of this Article.

Article 32

A mandatory fine of 15,600 dinars shall be imposed to a responsible legal person and natural person if he/she fails to copy or rent a video tape of a film for which he/she does not have signed Copyrights Agreement (Article 20).

VII TRANSITIONAL AND FINAL PROVISIONS

Article 33

Republic authority competent for cultural issues shall set up provisions stipulated by this Law within two months of the day of entering into force of this Law.

Article 34

Law on Cinematography shall be terminated with entering into force of this Law ("Official Gazette" no. 30/73, 17/79, and 17/90).

Article 35

This Law shall enter into force on the eighth day of the day of its publishing in the "Official Gazette of the Republic of Montenegro".