

## MOTION PICTURE FILMS

*Exchanges of notes at Prague May 18, 1938*

*Entered into force June 1, 1938*

*Terminated March 13, 1946*<sup>1</sup>

52 Stat. 1517; Executive Agreement Series 126

*The American Minister to the Minister of Foreign Affairs*

LEGATION OF THE  
UNITED STATES OF AMERICA

*Praha, May 18, 1938*

No. 45

EXCELLENCY:

I have the honor to refer to the recent conversations between officials of the Czechoslovak Republic and of the Government of the United States of America, pursuant to the understanding reached in connection with the negotiation of the trade agreement<sup>2</sup> recently concluded by the two countries, with regard to questions in respect of exposed motion picture films originating in Czechoslovakia and in the United States of America, and to confirm by this note the following agreement which has been reached between our respective countries:

### I

Exposed motion picture films, Tariff number 361 ex c of the Czechoslovak Customs Tariff, originating in the United States of America shall, on their importation into the Czechoslovak Republic, be exempt from ordinary customs duties, charges, taxes, fees, or exactions in excess of those provided for in the following numbered paragraphs:

- |  |                                 |
|--|---------------------------------|
| 1. Import duty   | 1, 200 crowns per 100 kilos.    |
| 2. Import permit fee   |                                 |
| a) Original version feature films:—  |                                 |
| First print or negative—   | 17, 500 crowns each             |
| For every additional print   | 0. 15 crowns per running meter. |
| b) For every 8 feature films imported, an importer of American films may import one dubbed version film free of any import permit fee. |                                 |
| Other dubbed versions of American feature films  |                                 |
| First print or negative—   | 6, 000 crowns each              |
| For every additional print   | 0. 15 crowns per running meter. |

<sup>1</sup> In a note to the American Embassy at Prague, dated Sept. 13, 1945, the Czechoslovak Ministry for Foreign Affairs states that the Czechoslovak Government considers the present agreement terminated.

<sup>2</sup> Agreement signed at Washington Mar. 7, 1938 (EAS 147), *ante*, p. 1285.

c) Short films (less than 700 meters in length) except tourist, propaganda or advertising films—	Free
Prints thereof—	0.15 crowns per running meter.
d) Newsreel films—	Free
Prints thereof—	0.15 crowns per running meter.

Note: In addition to the import permit fees set forth under 2) above, there will be a charge for feature films of 500 crowns and a charge for short films of 120 crowns, payable to the Ministry of Commerce. These charges shall cover the costs of importing films in bond, screening films before the consultative committee (Film Advisory Committee) of the Ministry of Commerce, and all other fees incidental to the issuance of the import permit.

## II

The provisions of Paragraph I of this agreement shall not prevent either country from imposing at any time on or in connection with the importation of exposed motion picture films a charge equivalent to an internal tax imposed in respect of a like domestic product.

## III

The Czechoslovak Republic shall accord to exposed motion picture films of American origin imported into the Czechoslovak Republic treatment in respect of distribution and exhibition no less favorable than may be accorded to films of any other foreign origin or except for the compulsory showing of films of Czechoslovak origin in Czechoslovak theaters, than may be accorded to films of Czechoslovak origin. The Government of the United States of America shall accord to exposed motion picture films of Czechoslovak origin imported into the United States, treatment in respect of distribution and exhibition no less favorable than that accorded films of United States origin or any other foreign origin.

## IV

No import or customs quota, or any other form of limitation of the number of exposed motion picture films which may be imported shall be imposed by the Czechoslovak Republic on the importation of exposed motion picture films of United States of America origin, or by the Government of the United States of America on the importation of exposed motion picture films of Czechoslovak origin. This provision shall not be construed as a limitation on the operation of normal censorship laws and regulations.

## V

Importers of exposed motion picture films of United States of America origin may submit such films for screening and censorship without the necessity of having previously super-imposed Czechoslovak titles thereon. It will however be necessary for such importers to submit, in writing, the titles

proposed to be used and, after the film has been approved, again present it with the titles super-imposed thereon.

## VI

Exposed motion picture films produced in the United States of America may be dubbed into the Czechoslovak language either in the United States or in Czechoslovakia. There shall, however, be no obligation to dub into the Czechoslovak language.

## VII

Importers of exposed motion picture films produced in the United States of America shall not be required, as a condition to the importation, distribution, and sale of such films, to purchase, produce or distribute Czechoslovak films, or films of any other origin.

## VIII

Import permits for advertising material for American or Czechoslovak exposed motion picture films shall not be required.

## IX

Motion picture companies of the United States of America may establish and maintain branch firms in Czechoslovakia and reciprocally motion picture companies of Czechoslovakia may establish and maintain branch firms in the United States of America in conformity with the laws, regulations and ordinances of the respective country.

## X

There shall be no prohibition or quantitative restriction upon the importation, distribution or exhibition in Czechoslovakia, of exposed motion picture film prints originating in the United States of America. Such prints shall not be subject to any fees, charges or exactions in excess of those provided for in this agreement.

## XI

The present agreement shall become operative the first day of June, 1938, and shall continue in force until denounced by either country by advance notice of not less than six months.

Accept, Excellency, the assurances of my highest consideration.

WILBUR J. CARR  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America*

His Excellency

Dr. KAMIL KROFTA,  
*Czechoslovak Minister of Foreign Affairs,  
Praha.*

*The Minister of Foreign Affairs to the American Minister*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

PRAHA, May 18, 1938

No. 60931/IV-5/38

EXCELLENCY,

With reference to the recent conversations between official representatives of the Czechoslovak Republic and of the Government of the United States of America, arising out of the understanding reached in connection with the negotiation of the trade agreement recently concluded between the two States, I have the honor to confirm by this Note that the following agreement has been concluded between our countries concerning exposed cinematograph films produced in Czechoslovakia and the United States of America:

[For terms of agreement, see U.S. note, above.]

I have the honor to be, etc.

DR. K. KROFTA  
*Minister for Foreign Affairs  
of the Czechoslovak Republic*

His Excellency Mr. WILBUR JOHN CARR,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,  
Praha.*

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*The American Minister to the Minister of Foreign Affairs*LEGATION OF THE  
UNITED STATES OF AMERICA

Praha, May 18, 1938

No. 46

EXCELLENCY:

With reference to the agreement signed on the 18th day of May, 1938, on behalf of the Czechoslovak Republic and of the Government of the United States of America, with regard to the treatment to be accorded in the future to exposed motion picture films produced in the United States of America upon their importation into the Czechoslovak Republic, I have the honor to confirm that the importation into the Czechoslovak Republic of exposed motion picture films produced in the United States of America shall be subject to the following administrative procedure:

a) An importer shall submit his application for an import permit directly to the Ministry of Commerce, which Ministry shall arrange for the screening of the film before the consultative committee (Film Advisory Committee).

Such screening shall be at the expense of the importer as provided for in the note to Paragraph I of the agreement.

After approval of the importer's application the Ministry of Commerce will issue an import permit to the importer, upon payment of the import permit fee provided for in Paragraph I of the agreement.

b) The importer may then clear the film in question through the customs and submit it to the Board of Censors of the Ministry of the Interior.

Every effort shall be made to expedite the screening and censorship of exposed motion picture films produced in the United States of America and they shall be accorded screening and censorship treatment no less favorable than that accorded films of Czechoslovak origin, or any other origin.

There shall be no obligation to screen dubbed versions of exposed motion picture films produced in the United States of America before the consultative committee (Film Advisory Committee) of the Ministry of Commerce.

Accept, Excellency, the assurances of my highest consideration.

WILBUR J. CARR  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America*

His Excellency Dr. KAMIL KROFTA,  
*Czechoslovak Minister of Foreign Affairs,  
Prahá.*

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*The Minister of Foreign Affairs to the American Minister*

[TRANSLATION]

MINISTRY OF FOREIGN AFFAIRS

No. 60931/IV-5/38

PRAHA, *May 18, 1938*

EXCELLENCY:

[The Czechoslovak note repeats the U.S. note, above.]

I have the honor to be, etc.

Dr. K. KROFTA  
*Minister of Foreign Affairs  
of the Czechoslovak Republic*

His Excellency Mr. WILBUR JOHN CARR,  
*Envoy Extraordinary and Minister Plenipotentiary  
of the United States of America,  
Prahá.*