



European Treaty Series - No. 53

**EUROPEAN AGREEMENT
FOR THE PREVENTION OF BROADCASTS
TRANSMITTED FROM STATIONS
OUTSIDE NATIONAL TERRITORIES**

Strasbourg, 22.I.1965

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering that the Radio Regulations annexed to the International Telecommunication Convention prohibit the establishment and use of broadcasting stations on board ships, aircraft or any other floating or airborne objects outside national territories;

Considering also the desirability of providing for the possibility of preventing the establishment and use of broadcasting stations on objects affixed to or supported by the bed of the sea outside national territories;

Considering the desirability of European collaboration in this matter,

Have agreed as follows:

Article 1

This Agreement is concerned with broadcasting stations which are installed or maintained on board ships, aircraft, or any other floating or airborne objects and which, outside national territories, transmit broadcasts intended for reception or capable of being received, wholly or in part, within the territory of any Contracting Party, or which cause harmful interference to any radio-communication service operating under the authority of a Contracting Party in accordance with the Radio Regulations.

Article 2

- 1 Each Contracting Party undertakes to take appropriate steps to make punishable as offences, in accordance with its domestic law, the establishment or operation of broadcasting stations referred to in Article 1, as well as acts of collaboration knowingly performed.
- 2 The following shall, in relation to broadcasting stations referred to in Article 1, be acts of collaboration:
 - a the provision, maintenance or repairing of equipment;
 - b the provision of supplies;
 - c the provision of transport for, or the transporting of, persons, equipment or supplies;
 - d the ordering or production of material of any kind, including advertisements, to be broadcast;
 - e the provision of services concerning advertising for the benefit of the stations.

Article 3

Each Contracting Party shall, in accordance with its domestic law, apply the provisions of this Agreement in regard to:

- a its nationals who have committed any act referred to in Article 2 on its territory, ships, or aircraft, or outside national territories on any ships, aircraft or any other floating or airborne object;
- b non-nationals who, on its territory, ships or aircraft, or on board any floating or airborne object under its jurisdiction have committed any act referred to in Article 2.

Article 4

Nothing in this Agreement shall be deemed to prevent a Contracting Party:

- a from also treating as punishable offences acts other than those referred to in Article 2 and also applying the provisions concerned to persons other than those referred to in Article 3;
- b from also applying the provisions of this Agreement to broadcasting stations installed or maintained on objects affixed to or supported by the bed of the sea.

Article 5

The Contracting Parties may elect not to apply the provisions of this Agreement in respect of the services of performers which have been provided elsewhere than on the stations referred to in Article 1.

Article 6

The provisions of Article 2 shall not apply to any acts performed for the purpose of giving assistance to a ship or aircraft or any other floating or airborne object in distress or of protecting human life.

Article 7

No reservation may be made to the provisions of this Agreement.

Article 8

- 1 This Agreement shall be open to signature by the member States of the Council of Europe, which may become Parties to it either by:
 - a signature without reservation in respect of ratification or acceptance, or
 - b signature with reservation in respect of ratification or acceptance followed by ratification or acceptance.
- 2 Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.

Article 9

- 1 This Agreement shall enter into force one month after the date on which three member States of the Council shall, in accordance with the provisions of Article 8, have signed the Agreement without reservation in respect of ratification or acceptance, or shall have deposited their instrument of ratification or acceptance.
- 2 As regards any member State which shall subsequently sign the Agreement without reservation in respect of ratification or acceptance or which shall ratify or accept it, the Agreement shall enter into force one month after the date of such signature or the date of deposit of the instrument of ratification or acceptance.

Article 10

- 1 After this Agreement has entered into force, any member or Associate member of the International Telecommunication Union which is not a member of the Council of Europe may accede to it subject to the prior agreement of the Committee of Ministers.
- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect one month after the date of its deposit.

Article 11

- 1 Any Contracting Party may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which this Agreement shall apply.
- 2 Any Contracting Party may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Agreement to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 12 of this Agreement.

Article 12

- 1 This Agreement shall remain in force indefinitely.
- 2 Any Contracting Party may, in so far as it is concerned, denounce this Agreement by means of a notification addressed to the Secretary General of the Council of Europe.
- 3 Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

Article 13

The Secretary General of the Council of Europe shall notify the member States of the Council and the government of any State which has acceded to this Agreement, of:

- a any signature without reservation in respect of ratification or acceptance;

- b any signature with reservation in respect of ratification or acceptance;
- c any deposit of an instrument of ratification, acceptance or accession;
- d any date of entry into force of this Agreement in accordance with Articles 9 and 10 thereof;
- e any declaration received in pursuance of paragraphs 2 and 3 of Article 11;
- f any notification received in pursuance of the provisions of Article 12 and the date on which denunciation takes effect.

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

Done at Strasbourg, this 22nd day of January 1965, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.