

No. 3947

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement (with annex) regarding operation of certain
radio installations from within the Federal Republic.
Signed at Bonn, on 11 June 1952**

Official texts: English and German.

Registered by the United States of America on 26 July 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord (avec annexe) relatif à l'exploitation de certaines
installations radiophoniques à l'intérieur du territoire
de la République fédérale. Signé à Bonn, le 11 juin
1952**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 26 juillet 1957.

No. 3947. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY REGARDING OPERATION OF CERTAIN RADIO INSTALLATIONS FROM WITHIN THE FEDERAL REPUBLIC. SIGNED AT BONN, ON 11 JUNE 1952

PREAMBLE

In order to permit the operation of the radio broadcasting stations of the United States of America in the Federal Republic of Germany (ARBIE—American Radio Bases in Europe—and RIAS—Hof) the following agreement is concluded between the Governments of the United States of America and the Federal Republic of Germany :

Article I

The Government of the Federal Republic agrees herewith that the Government of the United States may receive, prepare and transmit radio programs of all kinds (exclusive of television) in the territory of the Federal Republic in accordance with the attached Annex² on operating conditions.

These programs will serve the common interests of the United States of America and the Federal Republic as defined in the Convention on Relations between the Three Powers and the Federal Republic of Germany.³

Article II

In the operation of the radio installations the Government of the United States will take into account the rules of the International Telecommunications Convention⁴ and the Radio Regulations⁴ binding the Federal Republic in this field. The Government of the Federal Republic will refer to the Government of the United States any complaints arising out of the operation of ARBIE and RIAS—Hof including those from governments with which it has no direct relations.

Whenever the Government of the Federal Republic, in future, intends to conclude any international agreements or arrangements which may have an

¹ Came into force on 5 May 1955, upon the entry into force of the Convention of 25 May 1952 on relations between the Three Powers and the Federal Republic of Germany, in accordance with article VII.

² See p. 112 of this volume.

³ United States of America : *Treaties and Other International Acts Series 3425*.

⁴ United Nations, *Treaty Series*, Vol. 193, p. 188, and Vols. 194 and 195.

influence on this agreement, it will consult with the Government of the United States.

Article III

The Government of the Federal Republic agrees that the Government of the United States may acquire by purchase or lease properties necessary for the operation of the installations described in the Annex. The Government of the United States will take steps immediately to acquire ownership of, or rights by lease to, all property and equipment necessary for the operation of ARBIE and RIAS-Hof and not already owned or leased by the Government of the United States. The Government of the Federal Republic agrees to use its good offices in aiding the Government of the United States in the acquisition of these properties, in accordance with the applicable legal requirements. The Government of the United States shall have the right to dismantle, to remove, or to sell, at its discretion any facilities which it has installed or may install.

Article IV

Equipment and supplies necessary for the erection, operation and maintenance of these facilities may be imported into the territory of the Federal Republic free of duties and other levies without being subject to prohibitions or restrictions. The sale and other disposition of the imported equipment and supplies within the territory of the Federal Republic will require the consent of the appropriate German authorities.

Acquisition, operation and maintenance of the properties comprising ARBIE and RIAS-Hof are exempted from all taxes and similar levies which accrue exclusively to the Federal Republic. The Federal Republic undertakes to obtain exemption in respect of taxes and similar levies which accrue in whole or in part to the Laender or Gemeinden (Gemeindeverbaenden).

ARBIE and RIAS-Hof shall not be subject to any legislation concerning radio broadcasting which may in any way be discriminatory to their operation or be detrimental to the objectives of this agreement.

Article V

The Governments of the United States and the Federal Republic agree to take all steps necessary which are designed to assure the unhindered operation of their respective radio installations.

Article VI

Disputes relative to this agreement or the attached Annex will be settled by direct negotiations between the two governments and, if the governments do not agree within a period of three months, then by arbitration. Arbitration will be by a tribunal of three members. Each government will appoint one member, and the two will select the third. In the event of failure of either government to designate an arbitrator, or if the two arbitrators designated are unable to agree on the third arbitrator, the task of completing the composition of the tribunal shall be referred on the application of either government to the President of the International Court of Justice.

The arbitration tribunal shall meet in the Federal Republic. Expenses shall be met equally by both governments.

Both governments will agree on the procedure of the arbitration tribunal either in particular cases or generally. Failing such agreement the procedure will be determined by the arbitration tribunal itself. The procedure may be in writing unless one of the governments objects.

As regards the summoning and examination of witnesses and experts the authorities of each government will grant legal assistance if the arbitration tribunal so requests the government concerned.

Article VII

This agreement shall come into force at the same time as the Convention on Relations between the Three Powers and the Federal Republic of Germany.

It can be terminated by either government on one year's advance notice but such notice may be given only after the agreement has been in force for five years.

IN FAITH WHEREOF the undersigned representatives duly authorized thereto by their respective Governments have signed this agreement.

DONE at Bonn this eleventh day of June 1952 in two texts, in the English and German languages, both being equally authentic.

For the Government
of the United States of America :

Samuel REBER

[SEAL]

For the Government
of the Federal Republic of Germany :

ADENAUER

[SEAL]

ANNEX OF OPERATING CONDITIONS

I. The Federal Republic acting through the Federal Minister for Posts and Telecommunications (BPMIn) herewith grants to the United States of America, as represented by the Department of State, the right to operate as foreign radio stations in the territory of the Federal Republic the radio installations hereinafter listed and identified, under the following conditions :

- A. The radio stations will exclusively use frequencies and call signs assigned to them by the appropriate authorities of the Government of the United States. The frequencies and call signs used are to be notified to the Federal Republic and to the appropriate organs of the International Telecommunications Union.
- B. The radio installations may be used only for broadcasting purposes of the Government of the United States, including relay and rebroadcast of programs from sources other than the Government of the United States provided that in the case of broadcasting organizations located in the Federal Republic the necessary arrangements have been made with the broadcasting organizations concerned.
- C. The Government of the United States agrees that, in the transmission of radio programs between points within the Federal Republic it will use exclusively the program circuits, wire or radio, of the Deutsche Bundespost where available in accordance with the applicable rate structure.
- D. Changes in technical characteristics such as performance, frequencies and call signs of radio installations described in Part II below and additional installations which may be erected will be notified in advance to the BPMIn except that in the event of emergencies requiring immediate action simultaneous notification will be given to the BPMIn.
- E. If the operation of the radio installations interferes with the radio services of the Federal Republic, the Government of the United States, in coordination with the Government of the Federal Republic, will take the steps necessary to remove the harmful interferences as quickly as possible.
- F. Personnel of the Deutsche Bundespost, if properly identified and if approved by the chief of the radio installation concerned, will be granted permission to have access to all technical equipment of the radio installations during duty hours, and after prior notification, outside duty hours.

II. The operating conditions apply to the following installations :

<i>Transmitters in Use at Ismaning</i>			
<i>Number</i>	<i>Power</i>	<i>Type</i>	<i>Service</i>
4	100 kw	Short Wave	Broadcast (one partly point-to-point with New York for program coordination)
2	8 kw	Short Wave	Broadcast
1	8 kw	Short Wave	Radio Teletype and Broadcast
2	1 kw	Short Wave	Cable Wireless
4	500 watt	Short Wave	Standby Broadcast
2	150 kw	Medium Wave	Broadcast
1	50 watt	VHF	Emergency Link

Transmitter in Use at Hof

<i>Number</i>	<i>Power</i>	<i>Type</i>	<i>Service</i>
1	40 kw	Medium Wave	Broadcast

Receiving Station at Obermenzing

3	50 watt	VHF	Emergency Link
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Diversity receiving equipment, recording and switching facilities.