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No. 7950

**BELGIUM, DENMARK, FRANCE,
GREECE, IRELAND, etc.**

**European Agreement concerning programme exchanges by
means of television films. Done at Paris, on 15 Decem-
ber 1958**

Official texts: English and French.

*Registered on 27 September 1965 by the Council of Europe acting on behalf of the Con-
tracting Parties, in accordance with Resolution 54 (6) of the Committee of Ministers
of the Council of Europe, adopted on 3 April 1954.*

**BELGIQUE, DANEMARK, FRANCE,
GRÈCE, IRLANDE, etc.**

**Arrangement européen sur l'échange des programmes au
moyen de films de télévision. Fait à Paris, le 15 décem-
bre 1958**

Textes officiels anglais et français.

*Enregistré le 27 septembre 1965 par le Conseil de l'Europe agissant au nom des Parties
contractantes, conformément à la résolution 54 (6) du Comité des ministres du
Conseil de l'Europe, adoptée le 3 avril 1954.*

No. 7950. EUROPEAN AGREEMENT¹ CONCERNING PROGRAMME EXCHANGES BY MEANS OF TELEVISION FILMS. DONE AT PARIS, ON 15 DECEMBER 1958

The Governments signatory hereto, being Members of the Council of Europe,

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

Considering that it is important in the interests of European cultural and economic unity that programmes may be exchanged by means of television films between the member countries of the Council of Europe as freely as possible ;

Considering that national legislations allow different conclusions as regards the legal nature of television films and as regards the rights which they grant in respect of such films ;

Considering that it is necessary to resolve the difficulties arising from this situation ;

Having regard to Article 20 of the Berne Convention² for the Protection of Literary and Artistic Works, by the terms of which the Governments of the countries

¹ In accordance with article 7, the Agreement entered into force on 1 July 1961, thirty days after the date on which three Members of the Council of Europe had signed the Agreement without reservation in respect of ratification or, having signed it with such a reservation, deposited the instrument of ratification. For the Members of the Council who subsequently signed the Agreement without reservation as to ratification or, having signed it subject to ratification, deposited their instruments of ratification, the Agreement came into force thirty days after the date of such signature or deposit of instrument. Following is the list of States in respect of which the Agreement entered into force, indicating in respect of each State either the date of signature without reservation as to ratification or the date of deposit of the instrument of ratification and the date of entry into force :

State	Signature or deposit of instrument of ratification (r).	Date of entry into force
France	15 December 1958	1 July 1961
United Kingdom of Great Britain and Northern Ireland	15 December 1958	1 July 1961
Sweden	31 May 1961 (r)*	1 July 1961
Denmark	26 October 1961 (r)	25 November 1961
Greece	10 January 1962 (r)	9 February 1962
Belgium	9 March 1962 (r)	8 April 1962
Norway	13 February 1963 (r)	15 March 1963
Luxembourg	1 October 1963 (r)	31 October 1963
Turkey	27 February 1964 (r)	28 March 1964
Ireland	5 March 1965	4 April 1965

* In a letter dated 25 May 1961, transmitting its instrument of ratification, the Government of Sweden informed the Secretary-General of the Council of Europe that the deposit of the instrument should be considered as having taken place on 31 May 1961, with effect for Sweden on 1 July 1961.

² United Nations, *Treaty Series*, Vol. 331, p. 217, and Vol. 489, p. 392.

of the Union reserve to themselves the right to enter into special arrangements which do not embody stipulations contrary to that Convention,

Have agreed as follows :

Article 1

In the absence of any contrary or special stipulation within the meaning of Article 4 of the present Agreement, a broadcasting organisation under the jurisdiction of a country which is a Party to this Agreement has the right to authorise in the other countries which are Parties thereto the exploitation for television of television films of which it is the maker.

Article 2

1. All visual or sound and visual recordings intended for television shall be deemed to be television films within the meaning of the present Agreement.
2. A broadcasting organisation shall be deemed to be the maker if it has taken the initiative in, and responsibility for, the making of a television film.

Article 3

1. If the television film has been made by a maker other than the one defined in Article 2, paragraph 2, the latter is entitled, in the absence of contrary or special stipulations within the meaning of Article 4, to transfer to a broadcasting organisation the right provided in Article I.
2. The provision contained in the preceding paragraph applies only if the maker and the broadcasting organisation are under the jurisdiction of countries which are Parties to the present Agreement.

Article 4

By "contrary or special stipulation" is meant any restrictive condition agreed between the maker and persons who contribute to the making of the television film.

Article 5

This Agreement shall not affect the following rights, which shall be entirely reserved :

- (a) any moral right recognised in relation to films ;
- (b) the copyright in literary, dramatic or artistic works from which the television film is derived ;
- (c) the copyright in a musical work, with or without words, accompanying a television film ;

- (d) the copyright in films other than television films ;
- (e) the copyright in the exploitation of television films otherwise than on television.

Article 6

1. This Agreement shall be open to signature by the Members of the Council of Europe, who may accede to it either by :
 - (a) signature without reservation in respect of ratification ; or
 - (b) signature with reservation in respect of ratification, followed by the deposit of an instrument of ratification.
2. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

Article 7

1. This Agreement shall enter into force thirty days after the date on which three Members of the Council shall, in accordance with Article 6 thereof, have signed it without reservation in respect of ratification or shall have ratified it.
2. In the case of any Member of the Council who shall subsequently sign the Agreement without reservation in respect of ratification or who shall ratify it, the Agreement shall enter into force thirty days after the date of such signature or deposit of the instrument of ratification.

Article 8

1. After this Agreement has come into force, any country which is not a Member of the Council of Europe may accede to it, subject to the prior approval of the Committee of Ministers of the Council of Europe.
2. Such accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the Council of Europe, and shall take effect thirty days after the date of deposit.

Article 9

Signature without reservation in respect of ratification, ratification or accession shall imply full acceptance of all the provisions of this Agreement.

Article 10

The Secretary-General of the Council of Europe shall notify Members of the Council, the Governments of any countries which may have acceded to this Agreement and the Director of the Bureau of the International Union for the protection of literary and artistic works :

(a) of the date of entry into force of this Agreement and the names of any Members of the Council which have become Parties thereto ;

(b) of the deposit of any instruments of accession in accordance with Article 8 of the present Agreement ;

(c) of any declaration or notification received in accordance with Articles 11 and 12 thereof.

Article 11

1. This Agreement shall apply to the metropolitan territories of the Contracting Parties.
2. Any Contracting Party may, at the time of signature, ratification or accession, or at any later date, declare by notice addressed to the Secretary-General of the Council of Europe that this Agreement shall apply to any territory or territories mentioned in the said declaration and for whose international relations it is responsible.
3. Any declaration made in accordance with the preceding paragraph may, in respect of any territory mentioned in such a declaration, be withdrawn under the conditions laid down in Article 12 of this Agreement.

Article 12

1. This Agreement shall remain in force for an unlimited period.
2. Any Contracting Party may denounce this Agreement at one year's notice by notification to this effect to the Secretary-General of the Council of Europe.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

DONE at Paris, this 15th day of December 1958, in English and French, both texts being equally authoritative, in a single copy, which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the signatory and acceding Governments and to the Director of the International Bureau for the Protection of Literary and Artistic Works.

For the Government
of the Republic of Austria :

Pour le Gouvernement
de la République d'Autriche :

For the Government
of the Kingdom of Belgium :

Pour le Gouvernement
du Royaume de Belgique :

*sous réserve de ratification*¹ :

P. WIGNY

For the Government
of the Kingdom of Denmark :

Pour le Gouvernement
du Royaume de Danemark :

with reservation in respect of ratification:

sous réserve de ratification:

Bodil BEGRUP

For the Government
of the French Republic :

Pour le Gouvernement
de la République française :

M. COUVE DE MURVILLE

For the Government
of the Federal Republic of Germany :

Pour le Gouvernement
de la République Fédérale d'Allemagne :

For the Government
of the Kingdom of Greece :

Pour le Gouvernement
du Royaume de Grèce :

with reservation in respect of ratification:

sous réserve de ratification:

CAMBALOURIS

For the Government
of the Icelandic Republic :

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland :

Pour le Gouvernement
d'Irlande :

Strasbourg, 5th March 1965

B. DURNIN

¹ With reservation in respect of ratification.

For the Government
of the Italian Republic :

with reservation in respect of ratification:

Pour le Gouvernement
de la République italienne :

sous réserve de ratification:

C. A. STRANEO

For the Government
of the Grand Duchy of Luxembourg :

with reservation in respect of ratification:

Pour le Gouvernement
du Grand Duché de Luxembourg :

sous réserve de ratification:

BECH

For the Government
of the Kingdom of the Netherlands :¹

*sous réserve de ratification*²

Strasbourg, le 7 octobre 1964

W. J. D. PHILIPSE

Pour le Gouvernement
du Royaume des Pays-Bas¹ :

For the Government
of the Kingdom of Norway :

*sous réserve de ratification*²

Signé à Strasbourg, le 17 novembre 1959³

Einar LÖCHEN

Pour le Gouvernement
du Royaume de Norvège :

¹ Declaration made by the Government of the Netherlands at the time of signature :

[TRANSLATION* — TRADUCTION**]

In their application to the Kingdom of the Netherlands, the words "metropolitan territories" in article 11, paragraph 1, of the Agreement no longer have their original sense but shall be deemed to signify "European Territory" in view of the equality existing in public law between the Netherlands, Surinam and the Netherlands Antilles.

* Translation by the Secretariat-General of the Council of Europe.

** Traduction du Secrétariat général du Conseil de l'Europe.

² With reservation in respect of ratification.

³ Signed at Strasbourg, 17 November 1959.

¹ Déclaration faite par le Gouvernement néerlandais au moment de la signature :

« En ce qui concerne le Royaume des Pays-Bas, l'expression « territoires métropolitains » mentionnée à l'article 11, paragraphe 1^{er}, de l'Arrangement perd son sens initial et sera considérée comme signifiant « territoire européen » vu l'égalité qui existe au point de vue du droit public entre les Pays-Bas, le Surinam et les Antilles néerlandaises. »

For the Government
of the Kingdom of Sweden :
with reservation in respect of ratification:

Pour le Gouvernement
du Royaume de Suède :
sous réserve de ratification:

Leif BELFRAGE

For the Government
of the Turkish Republic :
with reservation in respect of ratification:

Pour le Gouvernement
de la République turque :
sous réserve de ratification:

Fatin R. ZORLU

For the Government
of the United Kingdom of Great
Britain and Northern Ireland :

Pour le Gouvernement
du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord :

Selwyn LLOYD