

No. 9066

COUNCIL OF EUROPE

**European Agreement for the prevention of broadcasts
transmitted from stations outside national territories.
Done at Strasbourg, on 22 January 1965**

Official texts : English and French.

Registered by the Council of Europe on 24 April 1968.

CONSEIL DE L'EUROPE

**Accord européen pour la répression des émissions de
radiodiffusion effectuées par des stations hors des
territoires nationaux. Fait à Strasbourg, le 22 janvier 1965**

Textes officiels anglais et français.

Enregistré par le Conseil de l'Europe le 24 avril 1968.

No. 9066. EUROPEAN AGREEMENT ¹ FOR THE PREVENTION OF BROADCASTS TRANSMITTED FROM STATIONS OUTSIDE NATIONAL TERRITORIES. DONE AT STRASBOURG, ON 22 JANUARY 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 ² 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

¹ Came into force on 19 October 1967, i.e., one month after the date of deposit of the third instrument of ratification, in accordance with article 9 (1), with respect to the following States, on whose behalf instruments of ratification were deposited with the Secretary-General of the Council of Europe on the dates indicated below :

<i>State</i>	<i>Date of deposit</i>
Denmark	22 September 1965
Sweden	15 June 1966
Belgium	18 September 1967

The Agreement subsequently came into force with respect to the following States one month after the date of deposit of their instruments of ratification as indicated below :

<i>State</i>	<i>Date of deposit</i>	<i>Date of entry into force</i>
United Kingdom of Great Britain and Northern Ireland (also applicable to Channel Islands and the Isle of Man)*	2 November 1967	3 December 1967
France	5 March 1968	6 April 1968

* For the text of the declaration made at the time of signature, see p. 253 of this volume.

² United Kingdom, *Treaty Series, No. 74 (1961)*, Cmnd. 1484.

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.

For the Government
of the Republic of Austria :

Pour le Gouvernement
de la République d'Autriche :

For the Government
of the Kingdom of Belgium :
*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
du Royaume de Belgique :
*sous réserve de ratification
ou d'acceptation*

L. COUVREUR

For the Government
of the Republic of Cyprus :

Pour le Gouvernement
de la République de Chypre :

For the Government
of the Kingdom of Denmark :
*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
du Royaume de Danemark :
*sous réserve de ratification
ou d'acceptation*

Mogens WARBERG

For the Government
of the French Republic :
*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
de la République française :
*sous réserve de ratification
ou d'acceptation*

C. H. BONFILS

For the Government
of the Federal Republic of Germany :
*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
de la République Fédérale d'Allemagne :
*sous réserve de ratification
ou d'acceptation*

Strasbourg, le 6 décembre 1965

Felician PRILL

For the Government
of the Kingdom of Greece :
*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
du Royaume de Grèce :
*sous réserve de ratification
ou d'acceptation*

Léon MACCAS

For the Government
of the Icelandic Republic :

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland :
*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
d'Irlande :
*sous réserve de ratification
ou d'acceptation*

Strasbourg, 9th March 1965

Brian DURNIN

For the Government
of the Italian Republic :
*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
de la République italienne :
*sous réserve de ratification
ou d'acceptation*

Strasbourg, le 17 février 1965

Alessandro MARIENI

For the Government of the
Grand Duchy of Luxembourg :
*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement du
Grand Duché de Luxembourg :
*sous réserve de ratification
ou d'acceptation*

Jean WAGNER

For the Government
of the Kingdom of the Netherlands :

*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
du Royaume des Pays-Bas :

*sous réserve de ratification
ou d'acceptation*

Strasbourg, le 13 juillet 1965

W. J. D. PHILIPSE

For the Government
of the Kingdom of Norway :

*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
du Royaume de Norvège :

*sous réserve de ratification
ou d'acceptation*

Strasbourg, 3rd March 1965

C. HOFGAARD

For the Government
of the Kingdom of Sweden :

*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
du Royaume de Suède :

*sous réserve de ratification
ou d'acceptation*

Sten LINDH

For the Government
of the Swiss Confederation :

Pour le Gouvernement
de la Confédération suisse :

For the Government
of the Turkish Republic :

Pour le Gouvernement
de la République turque :

For the Government
of the United Kingdom of Great
Britain and Northern Ireland: ¹

*with reservation in respect
of ratification or acceptance*

Pour le Gouvernement
du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord ¹:

*sous réserve de ratification
ou d'acceptation*

I. F. PORTER

¹ Declaration made by the Government of the United Kingdom at the time of signature:

In proceeding to the signature of the European Agreement for the Prevention of Broadcasts Transmitted from Stations outside National Territories on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland, I hereby declare that the United Kingdom Government understands that the references to "broadcasting stations" in Article 2 are references not merely to the broadcasting apparatus, but also to the ship, aircraft or other "base" on which the station is established, and that 2.2(a), (b) and (c) are to be taken to refer to the provision of equipment, supplies and transport to the "broadcasting stations" in this sense. The United Kingdom Government therefore wishes to make clear as regards 2.2(b) that it is its intention so far as is practicable to direct its legislation at supplies in bulk, as for example, diesel oil and not at sales of goods which would not be material to the continued operation of the "broadcasting stations" in the sense referred to above. For example, it is not its intention to make it an offense to sell a packet of cigarettes on shore to a person known to be a member of the crew of a ship which was illegally broadcasting. Similarly with regard to 2.2(c) it would be intended to direct United Kingdom legislation at transport of persons, equipment or supplies between land and the 'broadcasting stations' as understood above.

¹ Déclaration faite par le Gouvernement du Royaume-Uni au moment de la signature:

[TRADUCTION* — TRANSLATION**] En procédant à la signature, de la part du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de l'Accord européen pour la répression des émissions de radio-diffusion effectuées par des stations hors des territoires nationaux, je déclare par la présente que, pour le Gouvernement du Royaume-Uni, les références de l'article 2 aux « stations » concernent non seulement les appareils d'émission, mais également le navire, aéronef ou autre « base » sur lesquels la station est installée et les alinéas a, b et c du 2^e paragraphe de l'article 2 ont trait à la fourniture de matériel, d'approvisionnements et de moyens de transport aux « stations » entendues dans le sens indiqué ci-dessus. Par conséquent, le Gouvernement du Royaume-Uni désire préciser, en ce qui concerne l'alinéa 2, b de l'article 2, qu'il a l'intention, dans la mesure du possible, de viser dans sa législation les approvisionnements en gros, par exemple de fuel pour moteurs Diesel, et non des ventes de marchandises qui n'auraient pas d'incidence sur le maintien en fonctionnement des « stations » entendues dans le sens indiqué ci-dessus. Par exemple, il n'a pas l'intention de considérer comme une infraction la vente à terre d'un paquet de cigarettes à une personne connue comme faisant partie de l'équipage d'un navire qui procède à des émissions illégales. De même, en ce qui concerne l'alinéa 2, c de l'article 2, le Royaume-Uni a l'intention de viser, dans sa législation, le transport de personnes, de matériel ou d'approvisionnements entre la terre et les « stations » entendues dans le sens indiqué ci-dessus.

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

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