

No. 25241

**MEXICO
and
UNITED STATES OF AMERICA**

**Agreement relating to the AM Broadcasting Service in the
medium frequency band (with annexes). Signed at Mex-
ico City on 28 August 1986**

Authentic texts: Spanish and English.

Registered by Mexico on 27 August 1987.

**MEXIQUE
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif au service de la radiodiffusion AM sur la fré-
quence des ondes moyennes (avec annexes). Signé à
Mexico le 28 août 1986**

Textes authentiques : espagnol et anglais.

Enregistré par le Mexique le 27 août 1987.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA RELATING TO THE AM BROADCASTING SERVICE IN THE MEDIUM FREQUENCY BAND

The Government of the United Mexican States and the Government of the United States of America, desiring to continue their mutual understanding and co-operation concerning AM Broadcasting and recognizing the sovereign right of both countries in the management of their own services, taking into account the provisions of Article 31 of the International Telecommunication Convention, Nairobi, 1982² and Articles 6 and 7 of the Radio Regulations, 1982, annexed to the Convention, in order to protect the broadcasting stations in the two countries and to improve the utilization of the frequency band 535-1605 kHz allocated to this service, have agreed as follows:

Article 1. DEFINITIONS

For the purpose of this Agreement, the following terms shall have the meanings defined below:

Administration. The Federal Communications Commission of the United States of America and the General Directorate of Rules and Control of Telecommunications of the Secretariat of Communications and Transportation of the United Mexican States, respectively.

Agreement. This Agreement and its Annexes.

I.F.R.B. The International Frequency Registration Board.

Assignment in conformity with the Agreement. A frequency assignment appearing in the Plan.

Objectionable interference. The interference caused by a signal that exceeds the maximum permissible field strength within the protected contour, in accordance with the values determined according to the provisions of Annex 2 to the Agreement.

Plan. The frequency assignment Plan as contained in Annex 1 to the Agreement and the modifications introduced as a result of the application of the procedures of Article 3 of the Agreement.

Rio de Janeiro Plan. The frequency assignment Plan as defined in the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2 (Rio de Janeiro, 1981).*

Article 2. ADOPTION OF THE PLAN

The Plan set forth in Annex 1 to this Agreement consists of a list of assignments with technical parameters agreed upon by the two administrations. Broadcasting sta-

* Any reference in this Agreement to the Regional Agreement of Rio de Janeiro does not prejudice the legal status of the Regional Agreement for either Contracting Party.

¹ Came into force on 27 April 1987, the date on which the Contracting Parties notified each other of the completion of their respective constitutional procedures, in accordance with article 10.

² Registered with the Secretariat of the United Nations on 24 May 1989 under No. 26599.

tions shall be brought into service only when in conformity with Annex 1 or any modification of it resulting from application of Article 3.

Article 3. PROCEDURE FOR MODIFICATIONS TO THE PLAN

3.1. When an Administration proposes to modify the Plan, i.e.,

- To modify the characteristics of a frequency assignment to a station shown in the Plan, whether or not the station has been brought into use, or
- To introduce a new assignment into the Plan, or
- To cancel a frequency assignment to a station,

the following procedure shall be applied simultaneously with or prior to the notification to the I.F.R.B. (for modification to the "Rio de Janeiro Plan").

3.2. *Proposals for modifications in the characteristics of an assignment and for the introduction of a new assignment*

3.2.1. The administration proposing to modify the characteristics of an assignment in the Plan or introduce a new assignment shall seek the agreement of the other Administration and shall send in accordance with Article 4 the necessary information via registered mail.

3.2.2. Any assignment in conformity with the Agreement shall be considered as adversely affected when calculations, based on Annex 2, indicate that objectionable interference would occur as a result of the proposed modification to the Plan.

3.2.3. If an Administration which received a notification considers that a proposed modification to the Plan is acceptable, it shall communicate its agreement to the other Administration as soon as possible and shall inform the I.F.R.B. accordingly. If the notified Administration considers that the proposed modification to the Plan is unacceptable, it shall communicate its reasons to the notifying Administration within 90 days from the date on which the notification by registered mail is received. If no comment has been received within the 90 day period, the notifying Administration may proceed with its modification and advise the I.F.R.B. that the agreement of the other Administration has been obtained. On those exceptional occasions when the period for responding to a notification is found to be insufficient the Administration which receives a notification may request an extension of such period.

3.2.4. The agreement referred to in 3.2.1 is not required for a proposed change in the characteristics of an assignment in conformity with the Agreement if it entails no increase in the radiated field strength in any direction, and if a change in site of the station is involved, this change is limited to 3 km or 5% of the distance to the nearest point on the border of the other country, whichever is larger, up to maximum of 10 km. The distance is calculated from the site first registered in the Plan or subsequently registered in the Plan as a result of the application of the provisions of 3.2.1. In any event, such site change shall not produce a groundwave contour overlap prohibited under 4.9.4.2 of Annex 2 to this Agreement. However, no protection will be required beyond the level of protection which was already accepted before the proposed modification.

3.2.5. All modifications to the Plan will be registered in it when the agreement of the other Administration has been obtained or when the time period for responding to the Notification established in 3.2.3 has expired and no such response has been received.

3.3. *Cancellation of an assignment*

When an administration decides to cancel an Assignment in conformity with the Agreement, it shall immediately notify the other Administration. Any such notification of cancellation of an Assignment in conformity with the Agreement will be considered an abandonment by the notifying Administration of any right arising from that assignment unless, simultaneously with such cancellation, the Administration notifies a new assignment of the same frequency to substitute for the cancelled assignment. In such case, the Administration shall retain, with respect to the substituting assignment, the rights and obligations of the cancelled assignment, including priority. However, such new assignment will not be permitted to cause objectionable interference to existing stations in the other country at a level in excess of that caused by the cancelled assignment, and which has been previously accepted.

Article 4. NOTIFICATION PROCEDURE

4.1. The date of a notification will be determined by the date on which the required information submitted in conformity with this Article is received by the other Administration. If a conflict exists between two or more valid notifications, priority will be given to the notification which has the earlier date of receipt.

4.2. The information required for the notifications referred to in Article 3 shall be provided in conformity with Annex 1 to this Agreement. In the case of a modification of technical characteristics, there shall be an indication of which parameter(s) are modified. In order to facilitate the verification of the data, directional antenna parameters shall be supplemented by sample radiation values calculated in five azimuths using the corresponding vertical angles, preferably in directions in which there is maximum and minimum radiation.

4.3. Any notification of the bringing into use of the modification of an Assignment in conformity with the Agreement which involves a change in frequency shall have the effect of cancelling the former assignment and will constitute the simultaneous notification of a new assignment which shall be given the priority corresponding to the notification of a new assignment.

4.4. Each Administration shall notify the date that an Assignment in conformity with the Agreement or a modification of an Assignment in conformity with the Agreement begins or ceases operation. Such notification shall be made within sixty days following such date, and the I.F.R.B. shall be notified accordingly.

4.5. Any Assignment in conformity with the Agreement shall be deleted from the Plan and cease to be protected from interference unless it is brought into use within five years from the date on which the respective station has been notified and accepted. This is without prejudice to the provisions of paragraph 4.7 of this Article.

4.6. Any modification of any Assignment in conformity with the Agreement shall be deleted from the Plan and cease to be protected from interference unless it is brought into use within five years from the date on which the respective modification had been accepted.

4.7. For the purposes of paragraphs 4.5 and 4.6 the aforementioned periods may, in special cases, be extended for successive periods of one year upon notice to the other Administration within the effective period of the notification in question. Such notice must include a detailed description of the extraordinary circumstances which would justify such extension.

4.8. Any notification of a new or modified Assignment in conformity with the Agreement which does not include all the required information set forth in Annex 1 shall be returned by the receiving Administration, and the assignment involved shall receive no protection or priority date. Nevertheless, if the Administration notifies a directional antenna and the complete information is not provided, the notifying Administration shall submit Section II, Part II, of Annex 1 with its initial notification. The receiving Administration may return this notification if the supplementary information is not received within 6 months after receiving the initial notification.

4.9. When an Administration notifies a modification to an Assignment in conformity with the Agreement which has been brought into use, the new notification will be protected from subsequent objectionable interference but will not supersede the previous Assignment in the Plan until it is brought into use.

4.10. When an Administration notifies a modification to an Assignment in conformity with the Agreement which has not been brought into use, the new notification will supersede the previous notification when it is accepted.

Article 5. TECHNICAL CRITERIA

5.1. The Administrations shall apply in carrying out this Agreement, the technical criteria contained in Annex 2, as may be amended from time to time pursuant to Article 9.

5.2. Notwithstanding the requirements of paragraph 4.9 of Annex 2, the Administrations agree to consider and analyze all reasonable measures to accommodate modifications of technical parameters agreed upon, of existing or authorized stations in order to ameliorate the impact of objectionable interference received from Administrations not parties to this Agreement which seriously affect one or both parties to this Agreement.

Article 6. EXTENDED HOURS OF OPERATION

6.1. Scope

“Stations with extended hours of operation” are Class B and [Class] C stations operating during a period starting two hours before sunrise and ending two hours after sunset, local time, with protection requirements determined in accordance with Appendix 7 to Annex 2.

6.2. Protection

A notified and accepted station operating at nighttime shall have priority over extended hours of operation and shall be protected in accordance with 4.9 of Annex 2.

6.3. Notification

“Stations with extended hours of operation” that comply with the provisions of this Article shall be considered acceptable. Stations later found to be operating in a manner inconsistent with the protection requirements of this Agreement must make the necessary changes in their extended hours of operation to afford the required protection. Proposals for “stations with extended hours of operation” shall be notified in accordance with the applicable procedures established in Annex 1. Notification shall include the exact operating characteristics of each proposed station.

Article 7. TERMINATION OF PREVIOUS AGREEMENTS

This Agreement supersedes the existing Agreement between the United Mexican States and the United States of America concerning broadcasting in the Standard

Broadcasting Band (535-1605 kHz)¹ and the existing Agreement between the United Mexican States and the United States of America concerning the Operation of Broadcasting Stations in the Standard Band (535-1605 kHz), during a Limited Period Prior to Sunrise and After Sunset,² both signed on December 11, 1968.

Article 8. RESOLUTION OF CONFLICTS

In the case of any discrepancy between the provisions of this Agreement and the provisions of another bilateral or regional agreement relating to broadcasting in the frequency band 535-1605 kHz, the provisions of this Agreement will prevail insofar as mutual relations between the United States of America and the United Mexican States are concerned.

Article 9. AMENDMENT OF THE AGREEMENT AND THE ANNEXES

Except for modifications to the Plan, which are governed by Article 3, the Agreement and the annexes hereto may be amended by cooperative efforts of the two Administrations. These amendments would become effective when an exchange of Diplomatic Notes takes place between the Secretariat of Foreign Relations of the United Mexican States and the Department of States of the United States of America.

Article 10. COMING INTO FORCE AND DURATION

This Agreement shall come into force on the date on which both parties notify each other through diplomatic channels that they have concluded their respective constitutional procedures and shall continue in force until a new agreement is substituted or until it is denounced by either party.

Article 11. TERMINATION OF THE AGREEMENT

Either Government may terminate this Agreement by a written notice of denunciation to the other Government through diplomatic channels. The denunciation will be effective one year after receipt of the notice.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Agreement.

DONE in duplicate, in the Spanish and English languages, each having equal authenticity, at Mexico City, Distrito Federal, this 28th day of August 1986.

For the Government
of the United Mexican States:

[Signed]

DANIEL DÍAZ DÍAZ
Secretary of Communications
and Transport

For the Government
of the United States of America:

[Signed]

MORRIS D. BUSBY
Chargé d'Affaires a.i.

¹ United Nations, *Treaty Series*, vol. 791, p. 31.

² *Ibid.*, p. 175.

ANNEX 1¹

INFORMATION TO BE CONTAINED IN LISTINGS AND IN FORMS
FOR NOTIFICATION PURPOSES

ANNEX 2¹

TECHNICAL CRITERIA

¹ Publication effected in accordance with article 12 (2) of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations as amended in the last instance by General Assembly resolution 33/141 A of 19 December 1978.