

No. 29477

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FRANCE

and

FEDERAL REPUBLIC OF GERMANY  
(ON BEHALF OF BADEN-WUERTTEMBERG,  
BAVARIA, BERLIN, BREMEN, HAMBURG,  
HESSE, LOWER SAXONY, NORTH  
RHINE-WESTPHALIA,  
RHINELAND-PALATINATE, SAARLAND  
AND SCHLESWIG-HOLSTEIN)

**Treaty concerning the European Cultural Channel (with  
statement). Signed at Berlin on 2 October 1990**

*Authentic texts: French and German.*

*Registered by France on 27 January 1993.*

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FRANCE

et

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE  
(AU NOM DE BADE-WURTEMBERG, BAVIÈRE,  
BERLIN, BRÊME, HAMBOURG, HESSE, BASSE-SAXE,  
RHÉNANIE DU NORD-WESTPHALIE,  
RHÉNANIE-PALATINAT,  
SARRE ET SCHLESWIG-HOLSTEIN)

**Traité sur la Chaîne Culturelle Européenne (avec procès-  
verbal). Signé à Berlin le 2 octobre 1990**

*Textes authentiques : français et allemand.*

*Enregistré par la France le 27 janvier 1993.*

## [TRANSLATION — TRADUCTION]

TREATY<sup>1</sup> BETWEEN THE FRENCH REPUBLIC AND THE LÄNDER OF BADEN-WÜRTTEMBERG, THE FREE STATE OF BAVARIA, BERLIN, THE FREE HANSEATIC CITY OF BREMEN, THE FREE AND HANSEATIC CITY OF HAMBURG, HESSE, LOWER SAXONY, NORTH RHINE-WESTPHALIA, RHINELAND-PALATINATE, SAARLAND AND SCHLESWIG-HOLSTEIN CONCERNING THE EUROPEAN CULTURAL CHANNEL

The French Republic,

Represented by Mr. Jack Lang, Minister of Culture, Communication, Major Works and the Bicentenary, and Mrs. Catherine Tasca, Minister-Delegate to the Minister of Culture, Communication, Major Works and the Bicentenary, responsible for Communication and

The Land of Baden-Württemberg

The Free State of Bavaria

The Land of Berlin

The Free Hanseatic City of Bremen

The Free and Hanseatic City of Hamburg

The Land of Hesse

The Land of Lower Saxony

The Land of North Rhine-Westphalia

The Land of Rhineland-Palatinate

Saarland

The Land of Schleswig-Holstein

Represented by the Ministers-Presidents,

Welcoming the plan by the French television company La Sept and the joint venture established by the German regional public broadcasting companies ARD and ZDF, to establish a joint and independent television company devoted to European culture, headquartered at Strasbourg, hereinafter known as the “European Cultural Channel” (ECC),

Desiring to consolidate the understanding and closer bonds between peoples in Europe,

Wishing to offer the citizens of Europe a common television channel that will serve as a showcase for the cultural heritage and arts of the States, regions and peoples of Europe and of the world,

<sup>1</sup> Came into force on 11 July 1992, i.e., one month after the exchange of the instruments of ratification which took place at Bonn on 11 June 1992, in accordance with article 5.

With the aim of guaranteeing that such a European television programme is broadcast in conformity with the principles of free circulation of information and ideas and independence of broadcasting agencies,

Have agreed as follows:

#### *Article 1*

(1) The ECC shall have sole responsibility for programming. It shall also be responsible for producing the programmes and shall do so, as well as managing the personnel and budget, under the supervision and control of the partners alone, and thus to the exclusion of any intervention from public authorities, including independent authorities responsible for regulating the audiovisual media in the country of the headquarters. The control, management and remuneration of the personnel, as well as the determination of the budget of the French and German partners shall be the sole responsibility of those partners.

(2) The French and German partners shall define by contract the programming rules applicable to the programmes broadcast by ECC. The rules shall be incorporated in the contract establishing the ECC partnership.

#### *Article 2*

The programme shall be broadcast by the TDF radio-broadcasting satellite. The Contracting States shall also endeavour, by providing additional means of broadcasting, to achieve as balanced a reception capacity as possible.

#### *Article 3*

The French Government undertakes not to reduce the French and German financial contributions to ECC through VAT.

#### *Article 4*

Other German Länder may accede to this Treaty. This Treaty shall, moreover, be open to all the member States of the Council of Europe and to all States parties to the European Cultural Convention,<sup>1</sup> as long as the broadcasting agencies of those States have become or are set to become partners in the ECC. The instruments of accession shall be deposited with the French Government. Accession shall take effect the thirtieth day consecutive to the deposits of the instruments of accession.

#### *Article 5*

This Treaty shall be subject to ratification. It shall come into force one month after the exchange of the instruments of ratification. The instruments of ratification shall be deposited with the French Government.

#### *Article 6*

(1) After a period of three years from the entry into force of this Treaty, any signatory State shall be free to terminate it in writing. Termination shall take effect one year after notification to the other signatory States.

(2) By derogation from the above, a signatory State may terminate this Treaty at any time if a partner leaves the ECC by terminating the contract establishing the partnership. Termination of the Treaty shall take effect at the time the termination

<sup>1</sup> United Nations, *Treaty Series*, vol. 218, p. 139.

of the contract of partnership becomes effective and shall be effected by notification to the other signatory States.

IN WITNESS WHEREOF, the duly authorized plenipotentiaries have signed this Treaty.

DONE at Berlin on 2 October 1990 in 12 copies, each of them in French and German, both texts being equally authentic.

For the French Republic:

JACK LANG  
CATHERINE TASCA

For the Land of Baden-Württemberg:

LOTHAR SPAETH

For the Free State of Bavaria:

MAX STREBI

For the *Land Berlin*:

WALTER MOMPER

For the Free Hanseatic City of Bremen:

KLAUS WEDEMEIER

For the Free and Hanseatic City of Hamburg:

HENNING VOSCHERAU

For the Land of Hesse:

WALTER WALLMANN

For the Land of Lower Saxony:

GERHARD SCHROEDER

For the Land of North Rhine-Westphalia:

JOHANNES RAU

For the Land of Rhineland Palatinate:

CARL-LUDWIG WAGNER

For Saarland:

OSKAR LAFONTAINE

For the Land of Schleswig-Holstein:

BJORN ENGHOLM

## STATEMENT

The representatives of the Government of the French Republic, Mr. Jack Lang, Minister of Culture, Communication, Major Works and of the Bicentenary, and Mrs. Catherine Tasca, Minister-Delegate to the Minister of Culture, Communication, Major Works and of the Bicentenary, responsible for Communication, and the Ministers-Presidents of the Länder of the Federal Republic of Germany, meeting at Berlin, on 2 October 1990, have signed the Treaty on the European Cultural Channel.

On this occasion, the Government of the French Republic made the following statement:

“The French Government shall endeavour, to the best of its ability, to make available additional means of broadcasting for the Channel as long as necessary so that the effective reception capacity of homes in France is not markedly lower than the capacity of German homes to receive the channel.”

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