

No. 32548

**GERMANY
and
UNITED STATES OF AMERICA**

Agreement for the promotion of German-American understanding in the field of broadcasting and for the conducting of exchange programs for broadcast professionals. Signed at Berlin on 19 May 1992

Authentic texts: German and English.

Registered by Germany on 8 February 1996.

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

Accord relatif à la promotion de l'entente germano-américaine dans le domaine de la radiodiffusion et pour l'organisation de programmes d'échange pour les professionnels de la radiodiffusion. Signé à Berlin le 19 mai 1992

Textes authentiques : allemand et anglais.

Enregistré par l'Allemagne le 8 février 1996.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE PROMOTION OF GERMAN-AMERICAN UNDERSTANDING IN THE FIELD OF BROADCASTING AND FOR THE CONDUCTING OF EXCHANGE PROGRAMS TO BROADCAST PROFESSIONALS

The Government of the Federal Republic of Germany
and
the Government of the United States of America:

recognizing the accomplishments of RIAS BERLIN over the past forty-five years as a transatlantic bridge dedicated to truth and democracy and its symbolism as an outstanding example of American-German cooperation,

guided by the wish to maintain the journalistic heritage and the transatlantic tradition of this respected, successful institution and to pass them to new generations of journalists, and

desiring to promote and deepen the mutual understanding between the people of the Federal Republic of Germany and the United States of America through a greater exchange of broadcast journalists and professionals, as well as through promoting and honoring broadcast productions and other accomplishments in the field of journalism,

have agreed as follows:

Article I

There shall be established a commission to be known as the RIAS BERLIN Commission (hereinafter, "the Commission"), to be located in Berlin. The Commission shall be recognized by the Government of the Federal Republic of Germany and the Government of the United States of America as a binational organization created and established to administer activities which carry out the purposes of the Commission and which are financed with funds made available to the Commission for such purposes.

¹ Came into force on 26 October 1992, i.e., one month from the date on which the Parties had informed each other (on 25 September 1992) of the completion of the national requirements, in accordance with article XIV (1).

Article II

Whenever, in the present Agreement, the term “Minister of the Interior” is used, it shall be understood to mean the Minister of the Interior in the Federal Republic of Germany or any officer or employee of the Government of the Federal Republic of Germany as he or she may designate to act on his or her behalf.

Whenever the term “Chief of the Diplomatic Mission of the United States of America” is used, it shall be understood to mean the Chief of the Diplomatic Mission of the United States of America to the Federal Republic of Germany (acting under a Delegation of Authority from the Director of the United States Information Agency), or any officer or employee of the Government of the United States of America whom the Chief of Mission may designate to act on his or her behalf.

Article III

(1) The purposes of the Commission shall be to:

- a) promote the exchange of persons and information in the field of broadcast journalism between the Federal Republic of Germany and the United States of America;
- b) support radio and television productions which contribute to the mutual understanding between the people of the Federal Republic of Germany and the United States of America;
- c) provide financial support for the occasional transatlantic transmission of broadcast productions which further this mutual understanding in an outstanding way, pursuant to applicable laws and regulations; and
- d) award an annual prize each to the radio production and to the television production which best contribute to the mutual understanding between the people of the Federal Republic of Germany and the United States of America and have not been promoted by funds of the Commission.

(2) In carrying out its purposes, the Commission shall give special consideration to those productions and activities which, in the tradition of RIAS, address the unique circumstances and needs of the states which comprised the former German Democratic Republic.

Article IV

(1) The Commission shall consist of ten members, five of whom shall be German citizens and five of whom shall be American citizens. In addition the Minister of the Interior of the Federal

Republic of Germany and the Chief of the Diplomatic Mission of the United States of America shall be Honorary Chairmen of the Commission.

(2) The Minister of the Interior shall have the authority to appoint and remove the German members on the Commission. The Chief of the Diplomatic Mission of the United States of America shall have the authority to appoint and remove the American members of the Commission.

(3) A chairman and vice-chairman, each with voting power, shall be selected by the Commission from among its members.

(4) The term of each member shall be three years and each shall be eligible for reappointment. Vacancies by reason of resignation, expiration of service or otherwise, shall be filled in accordance with the appointment procedures set forth in this article.

(5) The members shall serve without compensation but the Commission is authorized to pay the necessary expenses of the members in attending the meetings of the Commission and in performing other official duties assigned by the Commission.

Article V

The Commission shall make the organizational arrangements deemed necessary for the conduct of its affairs. It shall

- a) appoint an Executive Director,
- b) elect officers,
- c) establish necessary and appropriate procedures for managing its financial affairs,
- d) adopt such by-laws and
- e) appoint such committees as it shall deem necessary.

Article VI

(1) In fulfillment of the purposes for which it was established, the Commission may in particular:

- a) plan, adopt and carry out activities in furtherance of this Agreement;
- b) select free-lancers, trainees, writers, editors, artists and others in the field of broadcast journalism resident in either the Federal Republic of Germany or the United States of America to participate in exchange programs between those two countries;
- c) organize and carry out seminars and other educational gatherings which carry out a purpose of this Agreement;

- d) support broadcast productions, particularly U.S.-German co-productions, which are especially suited to promoting mutual understanding between the people of the Federal Republic of Germany and the United States of America;
- e) provide financial support for the occasional transatlantic transmission of broadcast productions which further mutual understanding in an outstanding way, pursuant to applicable laws and regulations;
- f) award an annual prize each to the radio production and to the television production which best contribute to U.S.-German mutual understanding;
- g) cooperate closely with other organizations which also seek to further the purposes of this Agreement.

(2) For the conduct of its administrative tasks, the Commission may:

- a) engage such staff as may be necessary to administer effectively the Commission and its activities and fix and pay the salaries and wages thereof, and pay other administrative expenses as may be deemed necessary out of funds made available pursuant to this Agreement;
- b) receive funds deposited to and for the accounts of the Commission. To the extent funds are not required for current activities, the Commission shall invest them in such securities as may be approved by the Minister of the Interior and the Chief of the Diplomatic Mission of the United States of America;
- c) authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of this Agreement;
- d) accept contributions from other appropriate sources which are intended for uses to carry out the purposes of this Agreement. Such contributions shall not affect the joint and cooperative nature of the Commission or its activities.

Article VII

(1) All commitments, obligations and expenditures authorized by the Commission as well as the income to be expected shall be managed in accordance with an annual budget to be approved by the Minister of the Interior and the Chief of the Diplomatic Mission of the United States of America.

(2) The Executive Director shall draw up a budget of the Commission for each financial year (calendar year). The Execu-

tive Director shall be responsible for the execution of the budget and the monitoring of the purposeful and economical use of such funds as well as for proper accounting.

(3) Immediately after the closing of the accounts, the Executive Director shall prepare annual financial statements to be submitted to the Minister of the Interior and the Chief of the Diplomatic Mission of the United States of America, together with the annual report on activities of the Commission and, at the same time, forward these documents to the auditors appointed under Article VIII.

Article VIII

(1) Upon application of the U.S. and/or German fiscal authorities, an independent accounting firm shall be appointed by the Commission and in agreement with the Minister of the Interior and the Chief of the Diplomatic Mission of the United States of America for a period of three years. Reappointment shall be permitted.

(2) On the basis of the rules laid down by the Commission and in accordance with the provisions of the fiscal authorities, the auditors shall audit the propriety of the Commission's income and the economic and thrifty utilization of its funds and assets. The auditors shall be afforded the assistance they need to carry out such an audit.

(3) The auditors shall inform the Executive Director, the Commission, the Minister of the Interior and the Chief of the Diplomatic Mission of the United States of America of the results of their audit in an annual report.

Article IX

The Commission's administrative offices shall be at, or near, Berlin, Federal Republic of Germany, but meetings of the Commission and any of its committees may be held in such places as the Commission may from time to time determine. The activities of any of the Commission's officers or staff may be carried on at such places as may be approved by the Commission.

Article X

(1) The Federal Republic of Germany will make a contribution to the Commission in 1992 of twenty (20) million Deutsche marks and in 1993 of twenty (20) million Deutsche marks for carrying out the purposes of the Commission. One half of this amount is contributed on behalf of the United States of America in recogni-

tion of, and appreciation for, America's forty-five year commitment to RIAS. Accordingly, the Government of the Federal Republic of Germany and the Government of the United States of America will act on the conviction that the projects promoted by this Agreement constitute a joint German-American program which the two governments have a like interest in maintaining.

(2) The programs and other activities carried out pursuant to this Agreement, including administrative and staff costs, shall be funded by the interest and other earnings derived from the Commission's capital reserves. Ten percent of the annual income of the Commission's capital shall be reinvested in these reserves. All remaining income, as well as contributions or allocations received by the Commission from any source, may be used in accordance with the annual budget approved under Article VII.

Article XI

(1) The Commission is not subject to the laws of the United States of America insofar as they may relate to the use and expenditure of funds and the acquisition and sale of assets necessary to carry out the purposes of this Agreement. The Commission is recognized by the Federal Republic of Germany as a binational organization and shall enjoy in the Federal Republic of Germany all privileges, exemptions and immunities set forth in Article II, paragraph 3, and Article III, paragraphs 4 (to the extent that the labor jurisdiction for the employees of the Commission in the Federal Republic of Germany remains unaffected), 7a and 9a of the Convention on Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on November 21, 1947.¹

(2) Within the framework of applicable German laws and of the regulations of the European Communities, the Federal Republic of Germany grants the Commission exemption from taxes and duties on

- a) equipment and working materials to be imported, including automobiles for the activities of the Commission, and
- b) personal movables to be imported, including automobiles, of American citizens who due to their appointment as staff members or their recruitment in accord with Article V letter b as Commission staff transfer their residence to the Federal Republic of Germany, as well as their family members living in their household.

¹ United Nations, *Treaty Series*, vol. 33, p. 261. For the final and revised texts of annexes published subsequently, see vol. 71, p. 318; vol. 79, p. 326; vol. 117, p. 386; vol. 275, p. 298; vol. 314, p. 308; vol. 323, p. 364; vol. 327, p. 326; vol. 371, p. 266; vol. 423, p. 284; vol. 559, p. 348; vol. 645, p. 340; vol. 1057, p. 320; vol. 1060, p. 337, and vol. 1482, p. 244.

Article XII

The Government of the Federal Republic of Germany and the Government of the United States of America shall make every effort to facilitate the exchange of persons program authorized by this Agreement and to resolve any problems which may arise in the operation thereof.

Article XIII

The present Agreement may be amended by an exchange of diplomatic notes between the Government of the Federal Republic of Germany and the Government of the United States of America.

Article XIV

(1) This Agreement shall enter into force one month from the date on which the two Governments have informed each other that the national requirements for such entry into force have been fulfilled.

(2) During the interim period between signature and the constituting meeting of the Commission, the Minister of the Interior of the Federal Republic of Germany, with the agreement of the Chief of the Diplomatic Mission of the United States of America and in accordance with applicable law, shall appoint an individual in the honorary and temporary capacity of Founder to carry out the legal responsibilities of the Commission. The Founder shall be responsible to, and subject to the oversight of, the Minister of the Interior of the Federal Republic of Germany and the Chief of the Diplomatic Mission of the United States of America.

Done at Berlin in two originals, one each in the German and the English languages, both texts being equally authentic, this 19th day of May, 1992.

For the Government
of the Federal Republic of Germany:

FRANZ BERTELE
RUDOLF SEITERS

For the Government
of the United States of America:

ROBERT M. KIMMITT
