Council of Europe: State of Signatures and Ratifications of Relevant European Conventions on 1 March 1995

IRIS 1995-3:1/24

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In IRIS 1995-1: 16-18 we provided an overview of the state of signatures and ratifications of all Conventions concluded within the framework of the Council of Europe and of relevance to the audio-visual sector.

However, sometimes the signature of States is accompanied by a Declaration and sometimes States may make their signature subject to a Reservation.

Since the European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite, the European Convention on cinematographic coproduction and the European Convention on Transfrontier Television are treaties on which the European Audiovisual Observatory receives many questions, we consider it important to provide an update and to publish the texts of the Declarations and Reservations made by the States that are Parties to these particular Conventions. (i) Date of Signature; (ii) Date of Ratification or Accession; (iii) Date of entry info force. European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite/Convention Européenne concernant des questions de droit d'auteur et de droits voisins dans le cadre de la radiodiffusion par satellite, 11.5.1994, European Treaties Series/Série Traités Européens No 153, entry into force: 5 ratifications including 4 Member States. Cyprus: (i) 10.02.1995.

Luxembourg: (i) 11.05.1995.

Norway: (i) 11.05.1994.

San Marino: (i) 11.5.1994.

Spain: (i) 11.5.1994.

Switzerland: (I) 11.5.1994.

European Convention on cinematographic co-production/Convention Européenne sur la coproduction cinématographique, 2.10.1992, European Treaties Series/Série Traités Européens No 147, entry into force: 1.04.1994.

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Member States Austria: (i) 9.02.1994; (ii) 2.09/1994; (iii) 31.01.1995.

Denmark: (i) 2.10.1992; (ii) 2.10.1992; (iii) 1.04.1994.

France: (i) 19.03.1993.

Germany: (i) 7.05.1993.

Italy: (i) 29.10.1992. Latvia: (i) 27.09.1993; (ii) 29.09.1993; (iii) 1.04.1994.

Luxembourg: (i) 2.10.1992.

Netherlands: (i) 4.07.1994.

Portugal: (i) 22.07.1994.

Slovak Republic: (i) 05.10.1993; (ii) 23.01.1995; (iii) 1.05.1995.

Spain: (i) 2.09.1994.

Sweden: (i) 10.05.1993; (ii) 10.06.1993; (iii) 1.04.1994.

Switzerland: (i) 5.01.1992; 5.11.1992; (ii) 5.11.1992; (iii) 1.04.1994.

United Kingdom: (i) 5.11.1992; (ii) 9.12.1993; (iii) 1.04.1994.

Declaration made at the time of deposit of the instrument of ratification, on 9 December 1993 (original language: English): In accordance with Article 5, paragraphe 5 of the Convention, the United Kingdom designates the Department of National Heritage, 2-4 Cockspur Street, London SW1Y 5DH as the authority for which co-production status application shall be submitted.

Non-Member States Holy See: (i) 10.02.1993.

Russian Federation: (i) 30.03.1994; (ii) 30.03.1994; (iii) 1.07.1994.

Declaration contained in a letter from the General Consul of the Federation of Russia, dated 5 May 1994, registered at the Secretariat General on 6 May 1994 (original language: French): In accordance with Article 5, paragraphs 2 and 5, of the European Convention on Cinematographic Coproduction, the Government of the Federation of Russia declares that the "State Committee of the Russian Federation for cinematography", 7, M. Gnezdnikovski per., 103877 Moscow shall be the authority to which applications for co-production status shall be submitted.

European Convention on Transfrontier Television/Convention Européenne sur la télévision transfrontière, 5.05.1989, European Treaties Series/Série Traités Européens No 132, entry into force: 1.05.1993.

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Member States Austria: (i) 5.05.1989.

Cyprus: (i) 3.06.1991; (ii) 10.10.1991; (iii) 1.05.1993.

Declaration contained in a letter from the Permanent Representative of Cyprus dated 27 March 1992, registered at the Secretariat General on 30 March 1992 (original language: English): Authority (Article 19): Ministry of Interior, Nicosia, Cyprus Finland: (i) 26.11.1992; (ii) 18.08.1994; (iii) 1.12.1994.

Reservation contained in the instrument of acceptance, deposited on 18 August 1994 (original language: English): Finland declares, according to Article 32, paragraph 1.a, of the Convention, that it reserves the right to restrict the retransmission on its territory, solely to the extent that it does not comply with its domestic legislation, of programme services containing advertisements for alcoholic beverages according to the rules provided for in Article 15, paragraph 2 of this Convention.

Declaration contained in a letter from the Permanent Representation of Finland, dated 15 August 1994, handed to the Secretary General at the time of deposit of the instrument of acceptance, on 18 August 1994 (original language: English): Authority (Article 19): Ministry of Transport and Communications, P.O. Box 235, FIN-00131 Helsinki, Finland, Tel.: +358 0 17361, Fax: +358 0 1736340.

France: (i) 12.02.1991; (ii) 21.10.1994; (iii) 1.02.1995.

Declaration made at the time of signature on 12 February 1991 and confirmed in the instrument of approval, deposited on 21 October 1994 (original language: French): In the same spirit as at the time of the adoption of the Community's "Television without Frontiers" Directive in October 1989, France has decided to sign the Council of Europe's Convention on Transfrontier Television with a view to promoting freedom of information as well as the exchange and production of audiovisual programmes in Europe.

Now that the Audiovisual EUREKA project is beginning to bear fruit, France intends to make every endeavour to ensure that the Convention contributes in a wider geographical framework to the promotion of European programmes and the emergence of a structured and competitive continental market. This Convention was not designed, and should not be used, to jusify projects whose sole purpose is to circumvent national and Community regulations intended to encourage European programming and production.

In committing itself, therefore, France is sure that all the signatory countries to the Convention share the same concerns, as any interpretation or measure contrary to such principles would constitute a serious undermining of the very foundations of the policy of European audio-visual co-operation. Germany: (i)

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9.10.1991; (ii) 22.7.1994; (iii) 1.11.1994.

Declaration made at the time of signature on 9 October 1991 (original language: English and German): Legal proceedings are pending at present before the Federal Constitutional Court in which the question of whether the European Communities were entitled to issue the directive on television may be of importance.

The Federal Republic would like to make it clear that its signing of the Convention does not at the same time prejudice its consent to the European Communities' accession to the Convention. Declaration contained in a letter from the Permanent Representative of Germany, dated 30 August 1994, registered at the Secretariat General, on 1 September 1994 (original language: French and German): Legal proceedings are pending at present before the Federal Constitutional Court in which the question of whether the European Communities were entitled to issue the directive on television may be of importance.

The Federal Republic would like to make it clear that the deposit of the instrument of ratification of the Convention does not at the same time prejudice its consent to the European Communities' accession to the Convention.

Declaration contained in a letter from the Permanent Representative of Germany, dated 30 August 1994, registered at the Secretariat General, on 1 September 1994 (original language: French): Authorities (Article 19): Bundesministerium des Innern, Referat S M 7, Graurheindorfer Str. 198, 53117 Bonn (at Federal level); Rundfunkkommission der Ministerpräsidenten der Länder zugleich Staatskanzlei des Landes Rheinland-Pfalz, Peter Altmeier Allee 1, 55116 Mainz (at Länder level). Note: A copy of each message to one authority shall be transmitted to the other one. Greece: (i) 12.03.1990.

Hungary: (i) 29.01.1990.

Italy: (i) 16.11.1989; (ii) 12.02.1992; 1.05.1993.

Declaration contained in a letter from the Permanent Representation of Italy dated 12 May 1992, registered at the Secretariat General on 13 May 1992 (original version: French): Authority (Article 19): Postal and Telecommunications Ministry ("Ministerio delle Poste e Telecommunicazioni"), Cabinet du Ministre, Viale, 201, I-00144 ROME.

Liechtenstein: (i) 5.05.1989.

Luxembourg: (i) 5.05.1989.

Malta: (i) 26.11.1991; (ii) 21.01.1993; (iii) 1.05 1993.

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Declaration contained in a letter from the Ministry of Foreign Affairs dated 26 March 1993, registered at the Secretariat General on 5 April 1993 (original language: English): Authorities (Article 19): Dr Peter GRECH, Attorney General's Office (Legal); Mr Anthony MALLIA, Executive-Ministry for Youth and the Arts (Technical).

Netherlands: (i) 5.05.1989.

Norway: (i) 5.05.1989; (ii) 30.07.1993; (iii) 1.11.1993.

Reservation contained in a letter from the Minister for Foreign Affairs dated 3 May 1989 and handed to the Secretary General at the time of signature and confirmed at the time of deposit of the instrument of ratification, on 30 July 1993 (original language: English): The Government of Norway upon signing the European Convention on Transfrontier Television, in accordance with Article 32, paragraph 1, litera a, reserves the right to restrict the retransmission of programme services containing advertisements for alcoholic beverages which do not comply with Norwegian domestic legislation.

Declaration contained in a letter from the Permanent Representation of Norway, handed to the Secretry General at the time of deposit of the instrument of ratification, on 30 July 1993 (original language: English): Authority (Article 19): Ministry of Cultural Affairs, P.O. Box 8030 Dep., N-0030 OSLO, Norway. (Tel. 47 22 34 90 90) (Fax: 47 22 34 95 50).

Poland: (i) 16.11.1989; (ii) 7.09.1990; (iii) 1.05.1993.

Declaration contained in a letter from the Permanent Representative of Poland dated 22 April 1992, registered at the Secretariat General on 29 April 1992 (original language: English): Authority (Article 19): Committee for Radio and Television, 17, J.P. Woronicza Str., PL - 00-950 Warsaw.

Portugal: (i) 16.11.1989.

San Marino: (i) 5.05.1989; (ii) 31.01.1990; (iii) 1.05.1993.

Spain: (i) 5.05.1989.

Sweden: (i) 5.05.1989. Switzerland: (i) 5.05.1989; (ii) 9.10.1991; (iii) 1.05.1993.

Reservation and Declaration contained in a letter from the Head of the Federal Department for Foreign Affairs dated 5 May 1989, registered at the Secretariat General on 17 May 1989 (original language: French): Switzerland reserves the right to restrict the retransmission on its territory, solely to the extent that it does not comply with its domestic legislation, of programme services containing advertisements for alcoholic beverages according to the rules provided for in

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Article 15, paragraph 2 of this Convention. Switzerland will provisionally apply the Convention as from the signature at today's date. Reservation contained in the instrument of ratification deposited on 9 October 1991 (original language: French): Switzerland reserves the right to restrict the retransmission on its territory, solely to the extent that it does not comply with its domestic legislation, of programme services containing advertisements for alcoholic beverages according to the rules provided for in Article 15, paragraph 2 of this Convention. Declaration contained in a letter from the Federal Department for Foreign Affairs of Switzerland, dated 15 April 1992, registered at the Secretariat General on 27 April 1992 (original language: French): Authorities (Article 19): 1. Federal Office of Communication, Federal Department of Transport, Communication and Energy, Mr Frédéric RIEHL, Vice-Director, 44. rue de l'Avenir, CH - 2503 BIENNE; 2. The Independent Authoriy for the Examination of Radio and Television Complaints (Autorité indépendante d'examen des plaintes et matière de radio et télévision) Case postale 8547, 3001 Berne, will, if necessary, work in conjunction with the authority mentioned above. The Independent Authority for the Examination of Complaints is competent in Switzerland to rule on the content of radio and television programmes (application of Article 7 of the Convention).

Turkey: (i) 7.09.1992; (ii) 21.01.1994; (iii) 1.05.1994.

United Kingdom: (i) 5.05.1989; (ii) 9.10.1991; (iii) 1.05.1993.

Declaration contained in a letter from the Permanent Representative of the United Kingdom dated 23 March 1992, registered at the Secretariat General on 1 April 1992 (original language: English): Authorities (Article 19): 1. Authority responsible for all television broadcasts on BBC1 and BBC2: British Broadcasting Corporation (BBC), The Secretary, Broadcasting House, Langham Place, GBLondon W1A 1AA; 2. Authority responsible for any other television broadcasts from the United Kingdom: Independent Television Commission (ITC), Mr Johnson, Esq, Chief Assistant (Policy), 70 Brompton Road, GB - London SW3 1EY.

Note: Any communication with either of these two authorities should be copied to the Broadcasting Department of the Home Office, 50 Queen Ann's Gate, London SW1.

Territorial Declaration contained in a letter from the Permanent Representative of the United Kingdom dated 1 September 1994, registered at the Secretariat General on 2 September 1994 (original language: English): In accordance with Article 31 of the said Convention, the Convention shall apply to the Bailwicks of Jersey and Guernsey, being territories for whose international relations the Government of the United Kingdom is responsible.

Non-Member States Holy See: (i) 17.09.1992; (ii) 7.01.1993; (iii) 1.05.1993.

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Declaration contained in a letter from the Special Envoy of the Holy See dated 4 February 1993, registered at the Secretariat General on the same day (original language: French): Authority (Article 19): Pontifical Council for Social Communications, Palazzo San Carlo, 00120 Città del Vaticano, tel.: (39) 6-698-83.197, Fax: (39) 6-698-85.373; H.E. Mgr John P. FOLEY, President Mgr Pierfranco PASTORE, Secretary Mr Hans-Peter RÖTHLIN, Under Secretary Russian Federation: (i) 30.03.1994; (ii) 30.03.1994; (iii) 1.07.1994.

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