

No. 29477

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.

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]

TREATY¹ 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,

¹ 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,¹ 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

¹United Nations, *Treaty Series*, vol. 218, p. 139.