

No. 46971

**Argentina
and
Canada**

Agreement between the Government of the Argentine Republic and the Government of Canada concerning the provision of satellite facilities and the transmission and reception of signals to and from satellites for the provision of satellite services to users in the Argentine Republic and Canada (with protocol). Buenos Aires, 17 October 2000

Entry into force: *17 October 2000 by signature, in accordance with article X*

Authentic texts: *English, French and Spanish*

Registration with the Secretariat of the United Nations: *Argentina,
11 December 2009*

**Argentine
et
Canada**

Accord entre le Gouvernement de la République argentine et le Gouvernement du Canada concernant la fourniture d'installations de satellite de même que la transmission et la réception de signaux à destination et en provenance de satellites pour la fourniture de services par satellite aux utilisateurs de la République argentine et du Canada (avec protocole). Buenos Aires, 17 octobre 2000

Entrée en vigueur : *17 octobre 2000 par signature, conformément à l'article X*

Textes authentiques : *anglais, français et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *Argentine,
11 décembre 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE ARGENTINE REPUBLIC
AND
THE GOVERNMENT OF CANADA
CONCERNING**

**THE PROVISION OF SATELLITE FACILITIES
AND THE TRANSMISSION AND RECEPTION OF SIGNALS
TO AND FROM SATELLITES
FOR THE PROVISION OF SATELLITE SERVICES
TO USERS IN THE ARGENTINE REPUBLIC AND CANADA**

**THE GOVERNMENT OF THE ARGENTINE REPUBLIC AND THE
GOVERNMENT OF CANADA**, hereinafter referred to as the "Parties";

RECOGNIZING the sovereign right of both Parties to manage and regulate their satellite communications;

CONSCIOUS of the mutual benefit to be derived from the establishment of an agreement concerning access to the satellite facilities and services markets in each country in accordance with their respective domestic laws and regulations, and international commitments;

TAKING INTO ACCOUNT the provisions of Article 42 of the Constitution of the International Telecommunication Union (ITU), Geneva, 1992 as amended, concerning "Special Arrangements";

IN ACCORDANCE WITH the provisions of Article S9 of the Radio Regulations of the International Telecommunications Union ("ITU Radio Regulations")

IN ORDER TO ESTABLISH the conditions for the provision of commercial satellite services and for the transmission and reception of signals to and from satellites for the provision of commercial satellite facilities and services to users in Argentina and Canada;

HAVE AGREED as follows:

ARTICLE I

Purpose and Scope

The purposes of this Agreement are:

1. To facilitate the provision of services to, from and within Argentina and Canada via commercial satellites licensed by either Party and coordinated pursuant to ITU Radio Regulations, and
2. To establish the conditions relating to the use in both countries of satellites licensed by Argentina and by Canada.

The Parties agree that:

3. The provisions of this Agreement are without prejudice to the rights and obligations of Argentina and of Canada under the Constitution and Convention of the ITU (Geneva, 1992) and its Radio Regulations, and the General Agreement on Trade in Services (GATS) of the World Trade Organization, in particular the Fourth Protocol on Basic Telecommunication Services,
4. This Agreement applies, on a reciprocal basis, to the use within the territory of both countries of Satellites licensed by Argentina and Satellites licensed by Canada.
5. This Agreement and annexed Protocols do not apply to the Satellite Services, provided through Satellites discussed in Article I(4), that are regulated pursuant to the Ley Federal de Radiodifusion No. 22.285 of Argentina and pursuant to the Broadcasting Act of Canada, where such services are intended for direct reception by the public.
6. Protocols, consistent with this Agreement, shall be established to address various Satellite Services. Such Protocols will be annexed to this Agreement and shall form an integral part of it.

ARTICLE II

Definitions

As used in this Agreement and annexed Protocols, it is understood that:

1. “Bilateral Reciprocity Agreement” means the Agreement entered into herein.
2. “Blanket Licence” means an authorization from a Party or its Administration, as appropriate, for an indeterminate number of technically identical Earth Stations for a specific Satellite Service.
3. “Earth Station” means a station located either on the Earth's surface or within the major portion of the Earth's atmosphere and intended for communications with one or more Satellites, or with one or more Earth Stations of the same kind by means of one or more reflecting Satellites or other objects in space.
4. “Licence” means the concession, authorization, or permit granted to a Person by a Party or its Administration, as appropriate, which confers the authority to operate a Satellite, Earth Station or Satellite Network, to provide Satellite Services.
5. “Person” means a natural or legal person.
6. “Protocol” shall have the meaning set forth in Article IV(2).
7. “Satellite” means a Space Station providing the facilities for commercial communication services, which is licensed by a Party or one of its Administrations, as appropriate, and whose technical characteristics and operation are coordinated and implemented pursuant to the ITU Radio Regulations by the same Party or its Administration, as appropriate.
8. “Satellite Network” means a Satellite System or part of a Satellite System, consisting of only one Satellite and the cooperating Earth Stations.
9. “Satellite Operator” or “Satellite Facilities Provider” means the Person licensed by a Party to operate a Space Station to provide Satellite Transmission Capacity or Satellite Facilities, as appropriate.
10. “Satellite Service” means any radiocommunication service involving the use of one or more Satellites.
11. “Satellite Service Provider” means a Person licensed by a Party, to provide Satellite Services within its territory, territorial waters or national airspace.
12. “Satellite System” means a space system using one or more Satellites.
13. “Satellite Transmission Capacity” or “Satellite Facilities” means the resources of the Satellite which are able to be used in the provision of Satellite Services.
14. “Space Station” means a station located on an object which is beyond, is intended to go beyond, or has been beyond the major portion of the Earth's atmosphere.

ARTICLE III

Implementing Entities

1. The entities responsible for implementing this Agreement, herein referred to as the Authorities, shall be, for Argentina, the Secretaria de Comunicaciones, and for Canada, Industry Canada.
2. Authorities may designate one or more entities, herein referred to as Administrations, to be responsible for implementing the Protocols, which are or shall be included in the Annex to this Agreement. In those cases where an Authority designates more than one Administration, it shall establish only one Administration to be responsible for coordination with the Administration of the other Party.

ARTICLE IV

Conditions of Use

1. Argentina and Canada each have laws, regulations, policies and procedures that govern entities that provide Satellite Services to, from and within their respective territories. The Parties have analysed and compared their respective laws on these matters. On the basis of this comparison and analysis, the Parties have concluded that it is appropriate to enter into a Bilateral Reciprocity Agreement concerning the transmission and reception of signals from Satellites for the provision of Satellite Services in both countries, and to establish the respective Protocols to this Agreement in order to address particular kinds of Satellite Services.

Therefore, pursuant to this Agreement and subject to the limitations of Article I(3), Article I(4) and Article I(5):

- 1.1 Argentine Satellites shall be permitted to provide service to, from and within Canada, in conformance with applicable provisions of Canadian laws, regulations, policies and procedures.
- 1.2 Canadian Satellites shall be permitted to provide service to, from and within Argentina, in conformance with applicable provisions of Argentine laws, regulations, policies and procedures.
2. The conditions for the transmission and reception of signals from Satellites licensed by each Party or Administration shall comply with national laws, regulations, policies and procedures, as amended from time to time, and shall be as agreed in the annexed Protocols, which shall form an integral part of this Agreement. The annexed Protocols will render this Agreement operational for each particular service, as described in each Protocol.
3. For the objectives of this Agreement, the Parties agree that the Argentine or Canadian entities that are licenced by Argentina or Canada to operate commercial Satellites and Earth Stations may be established with either public or private participation in conformity with the legal and regulatory provisions of each country.