

No. 50760

**United States of America
and
Argentina**

Agreement between the Government of the United States of America and the Government of the Argentine Republic 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 United States of America and the Argentine Republic (with protocol and appendix). Washington, 5 June 1998

Entry into force: *5 June 1998 by signature, in accordance with article X*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *United States of America, 22 May 2013*

**États-Unis d'Amérique
et
Argentine**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République argentine concernant la fourniture d'installations satellites et la transmission et la réception de signaux à destination et en provenance de satellites pour la fourniture de services par satellite aux utilisateurs des États-Unis d'Amérique et de la République argentine (avec protocole et appendice). Washington, 5 juin 1998

Entrée en vigueur : *5 juin 1998 par signature, conformément à l'article X*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 22 mai 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE GOVERNMENT OF THE ARGENTINE REPUBLIC
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 UNITED STATES OF AMERICA AND THE ARGENTINE REPUBLIC**

Recognizing the sovereign right of both countries to manage and regulate their satellite communications;

Taking into account the "Special Arrangements" provisions of the International Telecommunication Union's Basic Instruments;

In accordance with the provisions of Article 7 of the International Telecommunication Union's Radio Regulations ("ITU Radio Regulations");

Recognizing the increasing opportunities for the provision of satellite services in the United States of America ("United States") and the Argentine Republic ("Argentina"), the growing needs of the satellite communications industries of both countries, and the public interest in development of those services;

In order to establish the conditions for the provision of commercial satellite facilities and for the transmission and reception of signals to and from satellites for the provision of commercial satellite services to users in the United States and Argentina;

The Government of the United States of America and the Government of the Argentine Republic (the "Parties") have agreed as follows:

ARTICLE I. Purposes

The purposes of this Agreement are:

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

ARTICLE II. Definitions

As used in this Agreement and annexed Protocol,

1. "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.
2. "Satellite" or "Satellite Facilities" means a Space Station providing the facilities for commercial communications services, which is licensed by a Party or one of its Administrations, as appropriate, and whose technical characteristics (including, but not limited to, spectrum and orbital assignments and transmission parameters) are coordinated and implemented pursuant to the ITU Radio Regulations by the same Party or its Administration, as appropriate.
3. "Satellite Service" means any radiocommunications service involving the use of one or more Satellites.
4. "Satellite Service Provider" means an individual or legal entity licensed by a Party or its Administration, as appropriate, to provide Satellite Services within the territory, territorial waters or national airspace of a Party.
5. "Satellite Facilities Provider" is a term used by the Argentine Administration that means an individual or legal entity licensed by a Party or its Administration, as appropriate, to provide Satellite Facilities.
6. "Bilateral Reciprocity Agreement" means the agreement entered into herein.

7. "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 communication 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.
8. "License" means the concession, authorization, or permit granted to an individual or legal entity by a Party or its Administration, as appropriate, which confers the authority to operate a Satellite, Earth Station or Satellite Service.
9. "Blanket License" means an authorization from a Party or its Administration, as appropriate, for a large number of technically identical Earth Stations for a specific Satellite Service.
10. "Protocol" shall have the meaning set forth in Article IV (2).
11. "Administration" shall have the meaning set forth in Article III (2).

ARTICLE III. Implementing Entities

1. The entities responsible for implementing this Agreement, herein referred to as the Authorities, shall be, for the United States, the Department of State, and for Argentina, the Secretaria de Comunicaciones.
2. The entities responsible for implementing the Protocol included in the Annex to this Agreement, herein referred to as the Administrations, shall be as designated by the Authorities in the Protocol.

ARTICLE IV. Conditions of Use

1. The United States and Argentina each have laws, regulations and policies that govern entities providing Satellite Services to, from and within their respective territories. The Parties have analyzed 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 their two countries, and to establish a Protocol to this Agreement in order to address particular kinds of Satellite Services. Therefore, pursuant to this Agreement:

- 1.1 Argentine-licensed Satellites will be permitted to provide service to, from and within the United States, in conformance with applicable provisions of U.S. laws, rules, regulations, and licensing procedures.
 - 1.2 U.S.-licensed Satellites will be permitted to provide service to, from and within Argentina, in conformance with applicable provisions of Argentine laws, rules, regulations, and licensing procedures.
2. The conditions for the transmission and reception of signals from Satellites licensed by each Party or Administration shall comply with national laws and regulations and shall be as agreed in the annexed Protocol, which will render this Agreement operational and will form an integral part of this Agreement.
3. For the purpose of this Agreement, the Parties agree that U.S.- or Argentine-licensed entities that 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.
4. A Party shall not require a Satellite licensed by the other Party to be relicensed for the operation of the Satellite in order to provide the Satellite Services described in the annexed Protocol. The authorization of Satellite Facility Providers, as required under Argentine regulations, shall not be considered an additional License for purposes of this provision. The submission of legal and technical data required to obtain such authorization will have the purpose of establishing a registry of Satellite Facility Providers.
5. Each Party shall apply its laws, regulations, rules, and licensing procedures in a transparent and non-discriminatory manner to the Satellites licensed by either Party, and among all entities who apply for a License to transmit and/or receive signals (including Licenses to own and operate Earth Stations) via Satellites licensed by either Party.

ARTICLE V. Technical Coordination

1. The ITU Radio Regulations are the basis for the technical coordination of Satellites. After a Party or its Administration, as appropriate, has initiated the required coordination procedures pursuant to the ITU Radio Regulations, the Parties or their Administrations, as appropriate, will, in good faith, undertake to effect the coordination of the concerned Satellites in a timely, cooperative and mutually acceptable manner.
2. The Parties agree that technical coordination procedures shall be carried out for purposes of effectuating the most efficient use of satellite orbits and the associated frequencies for satellite