



November 2018

**EUROPEAN CONVENTION ON THE LEGAL PROTECTION OF SERVICES BASED ON,
OR CONSISTING OF, CONDITIONAL ACCESS of 24 January 2001
(ETS No. 178, entered into force on 1 July 2003)**

Subject: Accession by States which are not member States of the Council of Europe and which are not Party to the European Cultural Convention

I. Participation in the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access is not exclusively limited to member States of the Council of Europe, to the non-member States which are Parties to the European Cultural Convention, namely Belarus, Kazakhstan and the Holy See, and the European Union.

The Convention is also open for accession by other non-member States, provided that they have been formally invited to accede by the Committee of Ministers of the Council of Europe. The relevant provision of the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access - Article 13, paragraph 1 - reads as follows:

“After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Parties to the Convention, may invite any State which is not referred to in Article 12, paragraph 1, to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.”

II. The procedure for the accession of a State which is not a member of the Council of Europe and which is not Party to the European Cultural Convention may be summarised as follows:

1. In principle, the Committee of Ministers may take the initiative of inviting a non-member State to accede to a specific Convention. It is nevertheless customary for the non-member State to request accession in a letter addressed to the Secretary General of the Council of Europe. The letter should be signed by the Minister for Foreign Affairs or a diplomatic representative acting upon instructions of his or her government (see [Model application for accession to a treaty](#)).

2. In accordance with the Council of Europe's practice and before formally inscribing the point on the agenda of the Committee of Ministers, the Secretariat consults at the same time all member States of the Council of Europe, whether they are Parties or not to the Convention, and Parties to this Convention, that are not member States, on the request of invitation.

3. Requests for accession to a Council of Europe convention are examined by the Committee of Ministers' Rapporteur Group on Legal Co-operation (GR-J) and, then, by the Committee of Ministers. In the case of the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access, the decision on whether or not to issue an invitation has to be unanimously agreed by those Council of Europe members which have ratified the Convention. This decision is usually taken at the level of the Ministers' Deputies. Then, an invitation to accede to the Convention is notified to the State concerned by the Secretariat General.

4. It must be noted that the Committee of Ministers decided, in April 2013, to limit the validity of invitations of non-member States to accede to conventions to a period of five years.

5. The instrument of accession is deposited at the seat of the Council of Europe in Strasbourg, in the presence of a representative of the acceding State and of the Secretary General of the Council of Europe or his Deputy. The representative of the acceding State brings with him or her the instrument of accession and a procès-verbal of deposit is signed by both parties. Should it prove difficult for the acceding State to send a representative to Strasbourg, the instrument of accession may be sent by diplomatic courier. Deposit of the instrument of accession is notified to all concerned, accordingly to Article 18 of the Convention.

6. Article 13, paragraph 2, of the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access provides that the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

7. The instrument of accession and any declaration appended to it shall be accompanied by a translation into one of the official languages of the Council of Europe (English or French). It is important to stress that, in accordance with Article 15 of the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access provides that no reservation can be made to any provisions of the Convention.

8. It should be noted that Article 4 of the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access provides that *"Each Party may, at any time, in a declaration addressed to the Secretary General of the Council of Europe, declare that it will also make unlawful other activities than those referred to in paragraph 1 of this article."*

III. The text of the Convention, its explanatory report, the chart of signatures and ratifications and all declarations made with regard to it can be consulted on the website of the Council of Europe's Treaty Office on <http://conventions.coe.int>.

For any further information, please contact the Treaty Office:

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