



November 2018

**EUROPEAN CONVENTION RELATING TO QUESTIONS ON COPYRIGHT LAW AND  
NEIGHBOURING RIGHTS IN THE FRAMEWORK OF TRANSFRONTIER  
BROADCASTING BY SATELLITE of 11 May 1994**

**(ETS No. 153, awaiting entry into force)**

**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 relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite is not exclusively limited to member States of the Council of Europe, to the non-member States which are Party to the European Cultural Convention, namely Belarus, the Holy See and Kazakhstan, and to 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 relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite - Article 11, 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 Contracting States, may invite any State which is not referred to in Article 10, paragraph 1, to accede to the 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 of Ministers.”*

II. The procedure for the accession of a State which is not a member of the Council of Europe and which are 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 relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite, 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 17 of the Convention.

6. Article 11, paragraph 2, of the European Convention relating to questions on Copyright Law and Neighbouring Rights in the Framework of Transfrontier Broadcasting by Satellite 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, subject to the applicable provisions of each treaty and in line with the 1969 Vienna Convention on the Law of Treaties, any declarations are to be made when depositing the instrument of accession.

8. It should be noted that Article 13 of the Convention provides that States shall specify what rules shall apply to existing contracts, and that Article 14 provides that no reservation may be made in respect of the provisions of this Convention.

III. The text of the Convention, 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:

Treaty Office  
Directorate of Legal Advice  
and Public International Law (DLAPIL)  
Council of Europe  
F-67075 Strasbourg Cedex (France)  
E-mail : [treaty.office@coe.int](mailto:treaty.office@coe.int)