

CERTIFIED COPY

CONVENTION FOR THE ESTABLISHMENT OF THE EUROPEAN
RADIOCOMMUNICATIONS OFFICE (ERO)

The States Parties to this Convention, hereinafter referred to as the "Contracting Parties";

Acknowledging the growing demand on the radio frequency spectrum and the need to make the most efficient use of this scarce natural resource;

Underlining therefore that the current mechanisms set up by the European Conference of Postal and Telecommunications Administrations, hereinafter referred to as the "CEPT", should be strengthened and equipped with the necessary permanent resources to undertake long-term analyses of frequency requirements aiming at promoting the most efficient use of the frequency spectrum, taking timely account of service and user requirements against the background of industrial development and the development of standards;

Determined to establish a permanent non-profit-making institution, to assist the European Radiocommunications Committee of CEPT, hereinafter referred to as the "ERC", with its tasks relating to the development of radiocommunications policies and the coordination of frequency regulatory and technical matters concerning radiocommunications, including space communications;

Have agreed as follows:

Article 1

Establishment of ERO

- (1) A European Radiocommunications Office, hereinafter referred to as the "ERO", is hereby established
- (2) The Headquarters of the ERO shall be in Copenhagen, Denmark.

Article 2

Purpose of the ERO

The ERO shall be a centre of expertise in radiocommunications to assist and advise the ERC.

Article 3

Functions of the ERO

(1) The functions of the ERO shall be

1. to provide a centre of expertise which shall act as a focal point, identifying problem areas and new possibilities in the radiocommunications field and to advise the ERC accordingly;
2. to draft long-term plans for future use of the radio frequency spectrum on a European level;
3. to liaise with the national frequency management authorities;
4. to coordinate actions and provide guidance for research studies;
5. to conduct consultations on specific topics or parts of the frequency spectrum;
6. to assist the ERC or its Working Groups in the arrangement of specific consultation meetings;
7. to apply criteria for attendance at consultation meetings;
8. to maintain a record of important ERC actions and of the implementation of relevant CEPT Recommendations and Decisions;
9. to provide the ERC with status reports at regular intervals;
and

10. to liaise with the European Communities and with the European Free Trade Association.

(2) In carrying out the above functions related to consultation meetings, the ERO shall develop, and maintain up-to-date procedures designed to enable organizations in Europe with a relevant interest in the use of radiocommunications - including government departments, public radiocommunications operators, manufacturers, users and private network operators, service providers, research establishments and standards-making bodies or organizations representing groups of such parties - to subscribe to relevant information on a regular basis and to participate in these consultation meetings in an equitable manner having regard to their particular interests.

(3) In addition to the functions mentioned in paragraph 1 the ERO shall organize, normally on an annual basis, a meeting open to organizations mentioned in paragraph 2 to provide an opportunity to discuss the activities and the future work programmes of the ERC and the ERO.

Article 4

Legal Status and Privileges

(1) The ERO shall have legal personality. The ERO shall enjoy full capacity necessary for the exercise of its functions and the achievement of its purposes, and may in particular:

1. enter into contracts;
2. acquire, lease, hold and dispose of movable and immovable property
3. be a party to legal proceedings;
and
4. conclude agreements with States or international organizations.

(2) The Head of Office and the Staff of the ERO shall have privileges and immunities in Denmark as defined in an Agreement concerning the Headquarters of the ERO between the ERO and the Government of Denmark.

- (3) Other countries may grant similar privileges and immunities in support of the ERO's activities in such countries, in particular with regard to immunity from legal process in respect of words spoken and written and all acts performed by the Head of Office and the Staff of the ERO in their official capacity.

Article 5

Organs of the ERO

The ERO shall consist of a Council and a Head of Office, assisted by a Staff

Article 6

The Council

- (1) The Council shall consist of representatives of the respective Radiocommunications Regulatory Administrations of all the Contracting Parties.
- (2) The Chairman of the ERC shall be the Chairman of the Council. If the Chairman of the ERC is from a country that is not Party to this Convention the Council shall elect a Chairman from its members. The Chairman shall have authority to act on behalf of the Council.
- (3) Representatives of the Commission of the European Communities and of the Secretariat of the European Free Trade Association may participate in the Council with the status of Observer.

Article 7

Functions of the Council

- (1) The Council shall be the supreme decision-making body of the ERO and shall in particular:

1. determine ERO's policy in technical and administrative matters;
 2. approve the work programme, the budget and the accounts;
 3. determine the number of staff;
 4. appoint the Head of Office and the Staff;
 5. enter into contracts and agreements on behalf of the ERO;
 6. adopt amendments to the Convention in accordance with Articles 15 and 20; and
 7. take all measures necessary for the fulfilment of the purposes of the ERO within the framework of the Convention.
- (2) The Council shall establish all necessary rules for the proper functioning of the ERO and its organs.

Article 3

Voting Rules

- (1) Decisions of the Council shall be reached by consensus as far as possible. If consensus cannot be reached a decision shall be taken by a two-thirds majority of the weighted votes cast.
- (2) The weighting of the individual votes of the Council shall be in accordance with Annex A.
- (3) Proposals to amend this Convention, including the Annexes, shall be considered only if they are supported by at least 25% of the total weighted votes of all Contracting Parties.
- (4) For all decisions of the Council, a quorum must exist at the time when the decision is made which:

1. for decisions relating to amendments to the Convention and its Annexes, is equivalent to at least two thirds of the total weighted votes of all Contracting Parties;
 2. for all other decisions, is equivalent to at least one half of the total weighted votes of all Contracting Parties.
- (5) Observers to the Council may participate in the discussions but shall not have the right to vote.

Article 9

Head of Office and Staff

- (1) The Head of Office shall act as the legal representative of the ERO and shall have the authority, within limits agreed by the Council, to enter into contracts on behalf of the ERO. The Head of Office may delegate this authority, in whole or in part, to the Deputy Head of Office.
- (2) The Head of Office shall be responsible for the proper execution of all internal and external activities of the ERO in accordance with this Convention, the Headquarters Agreement, the work programme, the budget, and directives and guidelines given by the Council.
- (3) A set of Staff Rules shall be established by the Council.

Article 10

Work Programme

A work programme for the ERO covering a three year period shall each year be established by the Council on the basis of a proposal from the ERC. The first year of this programme shall contain sufficient detail to enable the annual budget of the ERO to be established.

Article 11

Budgeting and Accounting

- (1) The financial year of the ERO shall run from the 1st of January to the 31st of December following.
- (2) The Head of Office shall be responsible for preparing the annual budget and annual accounts for the ERO and submitting them for consideration and approval as appropriate by the Council.
- (3) The budget shall be prepared taking into account the requirements of the work programme established in accordance with Article 10. The timetable for submitting and approving the budget, in advance of the year to which it applies, shall be determined by the Council.
- (4) A set of detailed financial regulations shall be established by the Council. They shall, inter alia, contain provisions about the timetable for the submission and approval of the annual accounts of the ERO and provisions concerning the audit of the accounts.

Article 12

Financial Contributions

- (1) The capital expenditure and the current operating expenses of the ERO, excluding costs related to Council meetings, shall be borne by the Contracting Parties, who shall share the costs on the basis of the contributory units in accordance with the table at Annex A, which is an integral part of this Convention.
- (2) This shall not preclude the ERO, after decision by the Council, from carrying out work for third parties on a cost-recovery basis.
- (3) Costs related to Council meetings shall be borne by the Radiocommunications Regulatory Administration of the country in which the meeting takes place. Travel and subsistence expenses shall be borne by the authorities represented.

Article 13

Contracting Parties

- (1) A State becomes a Contracting Party to this Convention either by the procedure of Article 14 or by the procedure of Article 15.
- (2) On a State becoming a Contracting Party to this Convention, the contributory unit referred to in Annex A, as amended in accordance with article 15, shall apply.

Article 14

Signature

- (1) Any State whose Telecommunications Administration is a Member of CEPT may become a Contracting Party by:
 1. signature without reservation as to ratification, acceptance or approval, or
 2. signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
- (2) This Convention shall be open for signature as of the 23rd of June 1993 until it enters into force, and shall thereafter remain open for accession.

Article 15

Accession

- (1) This Convention shall be open for accession by any State whose Telecommunications Administration is a Member of CEPT.
- (2) After consultation with the acceding State, the Council shall adopt the necessary amendments to Annex A. Notwithstanding paragraph 2 of Article 20, such amendment shall enter into force on the first day of the second month following the date on which the Government of Denmark has received the instrument of accession of that State.
- (3) The instrument of accession shall express the consent of the acceding State with the adopted amendments of Annex A.

Article 16

Entry into Force

- (1) This Convention shall enter into force on the first day of the second month following the date on which the Government of Denmark has received sufficient signatures and, if required, instruments of ratification, acceptance or approval from Contracting Parties, so as to ensure that at least 80% of the maximum possible number of contributory units referred to in Annex A have been committed.
- (2) After entry into force of this Convention each subsequent Contracting Party shall be bound by its provisions including amendments in force as from the first day of the second month following the date on which the Government of Denmark has received that party's instrument of ratification, acceptance, approval or accession.

Article 17

Denunciation

- (1) After this Convention has been in force for two years, any Contracting Party may denounce it by giving notice in writing to the Government of Denmark, who shall notify this denunciation to the Council, the Contracting Parties and the Head of Office.
- (2) The denunciation shall take effect at the expiry of the next full financial year as specified in Article 11, paragraph 1, following the date of receipt of the notice of denunciation by the Government of Denmark.

Article 18

Rights and Obligations of the Contracting Parties

- (1) Nothing in this Convention shall interfere with the sovereign right of each Contracting Party to regulate its own telecommunications.
- (2) Each Contracting Party which is a Member State of the European Economic Community will apply this Convention in accordance with its obligations under the Treaty establishing the European Economic Community.
- (3) No reservation may be made to this Convention.

Article 19

Settlement of Disputes

Any dispute concerning the interpretation or application of this Convention and its Annexes which is not settled by the good offices of the Council, shall be submitted by the parties concerned to arbitration in accordance with Annex B, which is an integral part of this Convention.

Article 20

Amendments

- (1) The Council may adopt amendments to the Convention subject to confirmation in writing by all Contracting Parties.
- (2) The amendments shall enter into force for all Contracting Parties on the first day of the third month after the Government of Denmark has notified the Contracting Parties of the receipt of notifications of ratification, acceptance or approval from all Contracting Parties

Article 21

Depositary

- (1) The original of this Convention, with subsequent amendments, and instruments of ratification, acceptance or approval or accession shall be deposited in the archives of the Government of Denmark.
- (2) The Government of Denmark shall provide a certified copy of the Convention and the text of any amendment as adopted by the Council, to all States that have signed or acceded the Convention and to the President in Office of CEPT. Copies shall further be sent for information to the Secretary-General of the International Telecommunication Union, to the Liaison Office of CEPT, to the President of the Commission of the European Communities and to the Secretary-General of the European Free Trade Association.
- (3) The Government of Denmark shall notify all States that have signed or acceded the Convention and the President in Office of CEPT, of all signatures, ratifications, acceptances, approvals and denunciations, as well as of the entry into force of the Convention and of each amendment. The Government of Denmark shall further notify all States that have signed or acceded to the Convention and the President in Office of CEPT of the entry into force of each accession.

IN WITNESS WHEREOF the undersigned representatives, having been duly authorised thereto, have signed this Convention.

DONE at The Hague this 23rd day of June 1993 in a single copy in the English, French and German languages, each text being equally authentic.

For the Republic of Albania

For the Republic of Austria

For the Kingdom of Belgium

Sous réserve de ratification

A. Lafitte

20.10.1993

For the Republic of Bulgaria

Elia

20.10.1993

For the Republic of Croatia

Abilip

9.6.1994

For the Republic of Cyprus

Law

20.10.93.

For the Czech Republic

For the Kingdom of Denmark

M. Jacobson

For the Republic of Finland

Yrjö Kumpulainen

For the French Republic

sous réserve de ratification *[Signature]*

For the Federal Republic of Germany

Islam Union
subject to ratification
Elad Zinger

For the Hellenic Republic

[Signature]

For the Republic of Hungary

[Signature] 29/09/95

For the Republic of Iceland

[Signature]

For Ireland

[Signature]

For the Italian Republic

[Signature]

For the Principality of Liechtenstein

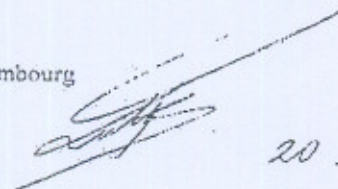
sous réserve de ratification

Office fédéral de la communication
Division des télécommunications
Fréquences et concessions

[Signature] 20.10.95

For Lithuania

For the Grand Duchy of Luxembourg

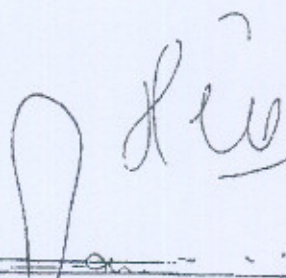


20 X 1993

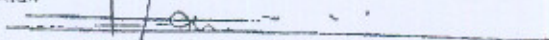
For the Republic of Malta

For the Republic of Moldova

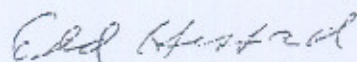
For the Principality of Monaco



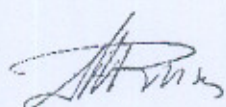
For the Kingdom of the Netherlands



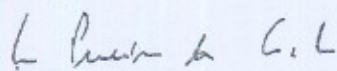
For the Kingdom of Norway



For the Republic of Poland



For the Portuguese Republic



For Romania



20 Oct. 1993.

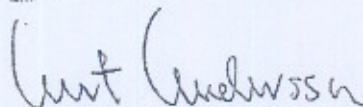
For the Republic of San Marino

For the Republic of Slovenia

For the Kingdom of Spain



For the Kingdom of Sweden



26 APR. 1994

For the Swiss Confederation

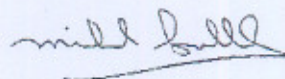
Office fédéral de la communication
Division des télécommunications
Fréquences et concessions

pour réserve de rétrocession

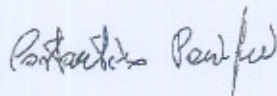
Paul 20.10.92

For the Republic of Turkey

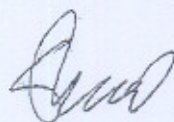
For the United Kingdom of Great Britain and Northern Ireland



For the Vatican City State



To the Slovak Republic



23.03.94

ANNEX A

**Contributory Units to be Used as a Basis
for Financial Contribution and in Weighted Voting**

| | | |
|-----------|---|---|
| 25 Units: | France Germany Italy | Spain United Kingdom |
| 15 Units: | Switzerland | |
| 10 UNITS: | Austria Belgium Denmark Finland Greece Luxembourg | Netherlands Norway Portugal Sweden Turkey |
| 5 Units: | Ireland | |
| 1 Unit: | Albania Bulgaria Czechia Croatia Cyprus Hungary Iceland Liechtenstein Lithuania | Malta Moldova Monaco Poland Romania San Marino Slovenia Vatican City |

Annex B

Arbitration Procedure

- (1) For the purposes of adjudicating upon any dispute referred to in Article 19 of the Convention, an Arbitral Tribunal shall be established in accordance with the following paragraphs.
- (2) Any Party to the Convention may join either party to the dispute in the arbitration.
- (3) The Tribunal shall consist of three members. Each party to the dispute shall nominate one arbitrator within a period of two months from the date of receipt of the request by one party to refer the dispute to arbitration. The first two arbitrators shall, within a period of six months from the nomination of the second arbitrator, nominate the third arbitrator, who shall be the Chairman of the Tribunal. If one of the two arbitrators has not been nominated within the required period he shall, at the request of either party, be nominated by the Secretary General of the Permanent Court of Arbitration. The same procedure shall apply if the Chairman of the Tribunal has not been nominated within the required period.
- (4) The Tribunal shall determine its seat and establish its own rules of procedure.
- (5) The decision of the Tribunal shall be in accordance with international law and shall be based on the Convention and general principles of law.
- (6) Each party shall bear the costs relating to the arbitrator for whose nomination it is responsible, as well as the costs of being represented before the Tribunal. The expenditure relating to the Chairman of the Tribunal shall be shared equally by the parties to the dispute.
- (7) The award of the Tribunal shall be made by a majority of its members, who may not abstain from voting. This award shall be final and binding on all parties to the dispute and no appeal shall lie against it. The parties shall comply with the award without delay. In the event of a dispute as to its meaning or scope, the Tribunal shall interpret it at the request of any party to the dispute.

