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Implementation of the European Convention on Transfrontier Television

Reply to Written question¹: Written question No. 656 (Doc. 13418)
Committee of Ministers

1. The Committee of Ministers notes that it recently received Parliamentary Assembly Recommendation 2036 (2014) on the “Revision of the European Convention on Transfrontier Television” recommending it to resume work on the revision of the convention. The Committee decided, at its meeting on 12 and 13 February 2014, to transmit this recommendation to the Steering Committee on Media and Information Society (CDMSI) for information and possible comments. For this reason, it will reply to this part of the Honourable Parliamentarian’s question in the context of its reply to the above-mentioned recommendation.

2. The Committee of Ministers sees no need to ask the CAHDI to provide an opinion in general on the power of the Contracting Parties to a Council of Europe convention to revise it, as the procedure for revising Council of Europe treaties is usually provided for in each separate treaty. The European Convention on Transfrontier Television sets out a clear and explicit procedure for revision. According to Article 21, paragraph 1.b of the convention, it is possible for the Contracting Parties – represented on the Standing Committee – to initiate a review process of the convention on their own initiative and without prior authorisation of the Committee of Ministers. This article reflects a general rule of public international law contained in Article 39 of the 1969 Vienna Convention on the Law of Treaties, which provides that “a treaty may be amended by agreement between the Parties”. This being so, with respect to the European Convention on Transfrontier Television, any action taken in this regard shall follow the procedure set out in its Article 23, which provides that any amendments proposed and adopted by a majority of three-quarters of the members of the Standing Committee shall be submitted to the Committee of Ministers for approval. Likewise, any protocol to the convention will have to be adopted and opened for signature by the Committee of Ministers.

1. Adopted at the 1194th meeting of the Ministers’ Deputies (12 March 2014).

