

*Autentisk tekst*

- b if a broadcaster has its head office in one Party but decisions on programme schedules are taken in another Party, it shall be deemed to be established in the Party where a significant part of the workforce involved in the pursuit of the television broadcasting activity operates; if a significant part of the workforce involved in the pursuit of the television broadcasting activity operates in each of those Parties, the broadcaster shall be deemed to be established in the Party where it has its head office; if a significant part of the workforce involved in the pursuit of the television broadcasting activity operates in neither of those Parties, the broadcaster shall be deemed to be established in the Party where it first began broadcasting in accordance with the system of law of that Party, provided that it maintains a stable and effective link with the economy of that Party;
- c if a broadcaster has its head office in a Party but decisions on programme schedules are taken in a State which is not Party to this Convention, or vice-versa, it shall be deemed to be established in the Party concerned, provided that a significant part of the workforce involved in the pursuit of the television broadcasting activity operates in that Party;
- d if, when applying the criteria of paragraph 3 of Article 2 of Directive 97/36/EC of the European Parliament and of the Council of 19 June 1997 amending Council Directive 89/552/EEC on the co-ordination of certain provisions laid down by law, regulation or administrative action in member States concerning the pursuit of television broadcasting activities, a broadcaster is deemed to be established in a member State of the European Community, that broadcaster shall also be deemed to be established in that State for the purposes of this Convention.

*Dansk oversættelse*

- b hvis et tv-spredningsforetagende har sit hovedkontor i en part, men beslutningerne om programlægningen træffes i en anden part, anses det for at være etableret i den part, hvor en betydelig del af det personale, der er beskæftiget med tv-spredningsvirksomhed, arbejder; hvis en betydelig del af det personale, der er beskæftiget med tv-spredningsvirksomhed, arbejder i begge parter, anses tv-spredningsforetagendet for at være etableret i den part, hvor det har sit hovedkontor; hvis en betydelig del af det personale, der er beskæftiget med tv-spredningsvirksomhed, ikke arbejder i nogen af disse parter, anses tv-spredningsforetagendet for at være etableret i den part, hvor det først begyndte sin tv-spredningsvirksomhed i overensstemmelse med lovgivningen i denne part, forudsat at det har en stabil og effektiv økonomisk forbindelse med denne part;
- c hvis et tv-spredningsforetagende har sit hovedkontor i en part, men beslutningerne om programlægningen træffes i en stat, som ikke er part i denne konvention, eller omvendt, anses det for at være etableret i den pågældende part, forudsat at en betydelig del af det personale, der er beskæftiget med tv-spredningsvirksomhed, arbejder i denne part;
- d hvis, under anvendelse af kriterierne i artikel 2, stk. 3, i Europa-Parlamentets og Rådets direktiv 97/36/EF af 30. juni 1997 om ændring af Rådets direktiv 89/552/EØF om samordning af visse love og administrative bestemmelser i medlemsstaterne vedrørende udøvelse af tv-spredningsvirksomhed, et tv-spredningsforetagende anses for at være etableret i en medlemsstat i Det Europæiske Fællesskab, anses dette tv-spredningsforetagende også for at være etableret i den stat i denne konventions forstand.