

**CONVENTION FOR THE ESTABLISHMENT OF A EUROPEAN SPACE
RESEARCH ORGANISATION**

528 UNTS 33

Opened for signature at Paris
14 June 1962

Entered into force
20 March 1964

Superseded by the Convention for the Establishment of a European Space Agency
30 October 1980

The States parties to this Convention,

Desiring to establish European collaboration, exclusively for peaceful purposes, in the field of space research,

Considering the proposals submitted by the Preparatory Commission established by the Agreement opened for signature at Meyrin (Switzerland) on the first of December, 1960,

Have agreed as follows:

**ARTICLE I
ORGANISATION**

1. A European Space Research Organisation, hereinafter referred to as "the Organisation", is hereby established.
2. The Members of the Organisation hereinafter referred to as "Member States", shall be those States which sign and ratify the Convention in accordance with article XX and such other States as may accede to it in accordance with article XXII.
3. The Headquarters of the Organisation shall be at Paris.

ARTICLE II PURPOSE

The purpose of the Organisation shall be to provide for, and to promote, collaboration among European States in space research and technology, exclusively for peaceful purposes.

ARTICLE III INFORMATION AND DATA

1. The scientific results of experiments carried out with the assistance of the Organisation shall be published or otherwise made generally available. After prior use by the scientists responsible for the experiments, the reduced data resulting from such experiments shall be the property of the Organisation.

2. Subject to patent rights, the technical results of the Organisation's activities shall normally be published or otherwise made generally available. 3. Member States shall facilitate the exchange of scientific and technical information, provided that a Member State shall not be required to communicate any information obtained outside the Organisation if it considers that such communication would be contrary to the interests of its security, or to its own agreement with a third party, or that it would violate the conditions under which this information had been obtained.

ARTICLE IV EXCHANGE OF PERSONS

Member States shall facilitate the exchange of persons concerned with space research and technology, provided that this shall not affect the application to any person of their laws and regulations relating to entry into, residence in, or departure from, their territories.

ARTICLE V PROGRAMME AND ACTIVITIES

In order to fulfil its purpose the Organisation shall carry out a programme of scientific research and related technological activities. It may in particular :

(a) design and construct sounding rocket payloads, satellites and space probes, carrying instruments provided by Member States or by the Organisation itself ;

- (b) procure launching vehicles and arrange for their launching;
- (c) provide means for the reception, collection, reduction and analysis of data;
- (d) support research and development as required for its programme;
- (e) promote and provide for contacts between scientists and engineers, their interchange and advanced training;
- (f) disseminate information among Member States;
- (g) co-operate with research institutions in the Member States and assist in the co-ordination of their efforts;
- (h) make contractual arrangements for the use of launching ranges for rockets and satellites and other facilities available in Member or other States.

ARTICLE VI FACILITIES

The Organisation may establish and operate the facilities necessary for its programme. In order to meet its initial requirements, it shall establish and operate:

- (a) a European Space Technology Centre to undertake or arrange for the activities referred to under Article V (a) and to promote and take part in advanced technological research and specific studies related to space research;
- (b) near the Centre referred to under sub-paragraph (a) above, a research laboratory to undertake joint research programmes on the minimum scale deemed necessary by the Council, referred to in Article X, to complete or complement the scientific studies carried out in the Member States;
- (c) sounding rocket launching facilities; (d) a Data Centre and tracking, telemetry and telecommand stations equipped with the apparatus necessary to fulfil the tasks referred to in Article V (c).

ARTICLE VII LAUNCHINGS

1. The programme of the Organisation shall provide for the launching of:

- (a) sounding rockets;
- (b) small satellites in near earth orbits and small space probes;
- (c) large satellites and large space probes.

2. The number of launchings shall be decided by the Council with a view to providing reasonable opportunities for scientifically valuable experiments, devised by Member States or by the Organisation itself, to be carried out.

ARTICLE VIII SPECIAL PROJECTS

If, outside the agreed programme but within the scope of the Organisation, one or more Member States engage in a project in connection with which the Council decides, by a two-thirds majority of all Member States, to make available the assistance of the Organisation or the use of its facilities, the resulting cost to the Organisation shall be refunded to the Organisation by the State or States concerned.

ARTICLE IX ORGANS

The Organisation shall consist of a Council and a Director-General assisted by a staff.

ARTICLE X THE COUNCIL

1. Composition

The Council shall be composed of representatives of the Member States. Each Member State may be represented by not more than two delegates, who may be accompanied by advisers.

2. Meetings

The Council shall meet at least twice a year. The meetings shall be held at the seat of the Organisation's Headquarters, unless otherwise decided by the Council.

3. Bureau

The Council shall elect a chairman and two vice-chairmen, who shall hold office for one year and may be re-elected on not more than two consecutive occasions.

4. Competence

The Council shall, subject to the provisions of this Convention:

- (a) determine the Organisation's policy in scientific, technical and administrative matters;
- (b) approve the programmes and annual work plans of the Organisation;
- (c) determine every third year, by a unanimous decision of all Member States, the level of resources to be made available to the Organisation during the succeeding three-year period;
- (d) determine every third year on a provisional basis, by a unanimous decision of all Member States, a level of resources for the three-year period next following the succeeding three-year period;
- (e) adopt the annual budget of the Organisation, by a two-thirds majority of all Member States and in accordance with the relevant decisions taken under Article III of the Financial Protocol annexed to this Convention;
- (f) determine the financial arrangements of the Organisation by a two thirds majority of all Member States;
- (g) review expenditure and approve and publish audited annual accounts of the Organisation;

- (h) adopt the Staff Regulations by a two-thirds majority of all Member States and decide on the staff complements by the same majority, within the limits of the agreed Budget;
- (i) publish an annual report;
- (j) adopt detailed Rules regarding the application of Article III;
- (k) decide on the accession of new Member States in accordance with the provisions of Article XXII and on the arrangements to be made in accordance with Article XVII in case a Member State denounces the Convention;
- (l) take any decisions regarding the co-operation with the Organisations, Governments and Institutions referred to in Article XIII;
- (m) take all measures necessary for the fulfilment of the purpose of the Organisation within the framework of this Convention.

5. Voting Rules

- (a) Each Member State shall have one vote in the Council.
- (b) A Member State shall have no vote in the Council if the amount of its unpaid contributions to the Organisation exceeds the amount of the contributions due from it for the current financial year and the immediately preceding financial year.
- (c) The presence of delegates from a majority of Member States shall be necessary to constitute a quorum at any meeting of the Council.
- (d) Decisions of the Council shall be taken by a simple majority of the Member States represented and voting, except where otherwise provided in this Convention.
- (e) During the eighth year of the existence of the Organisation, the Council shall consider the voting provisions contained in paragraph 4 (c) and (d) of this Article and may, by a unanimous decision of all Member States, recommend an amendment of those provisions in the light of the circumstances then prevailing and experience gained.

6. Rules of Procedure

Subject to the provisions of this Convention, the Council shall adopt its own rules of procedure.

7. Subordinate Bodies

The Council may establish such subordinate bodies as may be necessary for the purpose of the Organisation. The creation and the terms of reference of such bodies shall be determined by the Council by a two-thirds majority of all Member States.

ARTICLE XI DIRECTOR-GENERAL AND HEADQUARTERS

1. (a) The Council shall, by a two-thirds majority of all Member States, appoint a Director-General for a defined period and may, by the same majority, terminate his appointment.

(b) The Director-General shall be the chief executive officer of the Organisation and its legal representative. He shall have authority over the various establishments of the Organisation. He shall, in regard to the financial administration of the Organisation, act in accordance with the provisions of the Financial Protocol annexed to this Convention. He shall submit an annual report to the Council and shall attend the meetings without the right to vote.

(c) The Council may postpone the appointment of the Director-General for such period as it considers necessary either on the entry into force of this Convention or on the occurrence of a subsequent vacancy. In this event, it shall appoint a person to act in his stead, the person so appointed to have such powers and responsibilities as the Council may direct.

2. The Director-General shall be assisted by such scientific, technical, administrative and clerical staff as may be considered necessary and authorised by the Council.

3. Staff members shall be appointed and may be dismissed by the Council on the recommendation of the Director-General. Staff shall be appointed on the basis of qualifications, taking into account an adequate distribution of posts among nationals of the Member States. Appointments and dismissals made by the Council shall require a

two-thirds majority of all Member States. The Council may by the same majority delegate powers of appointment and dismissal to the Director-General. Any such appointment and its termination shall be in accordance with staff regulations to be adopted by the Council. Any scientists, not members of the staff, who are invited by the Council to carry out research in the establishments of the Organisation, shall be subject to the authority of the Director-General and to such general conditions as may be approved by the Council.

4. The responsibilities of the Director-General and the staff in regard to the Organisation shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Organisation. Each Member State shall respect the international character of the responsibilities of the Director-General and the staff, and not seek to influence them in the discharge of their duties.

ARTICLE XII FINANCIAL CONTRIBUTIONS

1. Each Member State shall contribute both to the capital expenditure and to the current operating expenses of the Organisation :

(a) for the period ending on the thirty-first of December of the second full financial year, as set out in the Financial Protocol annexed to this Convention;

(b) thereafter, in accordance with a scale which shall be decided every three years by the Council by a two-thirds majority of all Member States and shall be based on the average net national income at factor cost of each Member State for the three latest preceding years for which statistics are available, except that,

(i) no Member State shall be required to pay contributions in excess of twenty-five per cent of the total amount of contributions assessed by the Council to meet the cost of the programme;

(ii) the Council may decide by a two-thirds majority of all Member States to take into account any special circumstances of a Member State and reduce its contribution accordingly for a limited period. For the purpose of applying this provision it shall be considered as a special circumstance, in particular, when the

annual income "per capita" of a Member State is less than an amount to be decided by the Council by the same majority.

2. (a) States which become parties to this Convention after the thirty-first of December following its entry into force, shall make a special contribution towards the capital expenditure of the Organisation already incurred, in addition to contributing to future capital expenditure and current operating expenses. The amount of this special contribution shall be fixed by the Council by a two-thirds majority of all Member States.

(b) All contributions made in accordance with the provisions of sub paragraph (a) above shall be applied in reducing the contributions of the other Member States unless otherwise decided by the Council by a two-thirds majority of all Member States.

3. Contributions due under the provisions of this Article shall be paid in accordance with the Financial Protocol annexed to this Convention.

4. The Director-General may, subject to any directions given by the Council, accept gifts and legacies to the Organisation, provided that such gifts or legacies are not subject to any conditions inconsistent with the purposes of the Organisation.

ARTICLE XIII CO-OPERATION

The Organisation may, by a unanimous decision of the Council, co operate with other international organisations and institutions and with Governments, organisations and institutions of non-Member States.

ARTICLE XIV LEGAL STATUS AND PRIVILEGES

1. The Organisation shall have legal personality.

2. The legal status and the privileges and immunities of the Organisation, of the persons employed by it and of the representatives of Member States, shall be defined by a Protocol to be concluded between the Member States.

3. Agreements concerning the Headquarters of the Organisation, and the Establishments of the Organisation to be created in accordance with the provisions of Article VI, shall be

concluded between the Organisation and the Member States on whose territories such Headquarters and Establishments shall be situated.

ARTICLE XV AMENDMENTS

1. The Council may recommend amendments to this Convention to Member States. Any Member State which wishes to propose an amendment shall notify the Director-General thereof. The Director-General shall inform all Member States of any amendment so notified at least three months before it is to be discussed by the Council.
2. Any amendment recommended by the Council shall require acceptance in writing by all Member States. It shall come into force thirty days after the Government of France has received notification of acceptance from all Member States. The Government of France shall inform all Member States of the date of entry into force of any such amendment.
3. The Council may amend the Financial Protocol annexed to this Convention by a unanimous vote of all Member States, provided that such an amendment does not conflict with the Convention. Any such amendment shall come into force on a date to be decided unanimously by the Council. The Director-General shall inform all Member States of each such amendment and of the date on which it shall come into force. The Table given in the Annex to the Financial Protocol may only be amended in accordance with the basis of calculation laid down in Article XII 1.(b).

ARTICLE XVI DISPUTES

Any dispute concerning the interpretation or application of this Convention, which is not settled by the good offices of the Council, shall be submitted to the International Court of Justice, unless the Member States concerned agree on some other mode of settlement.

ARTICLE XVII DENUNCIATION

1. After the present Convention has been in force for six years, any Member State may denounce it by giving notice to the Government of France, which shall communicate this notification to the Director-General. The denunciation shall take effect at the end of the financial year following the year during which notice was given.

2. A Member State denouncing the Convention shall indemnify the Organisation for any loss of property on its territory, unless a special agreement can be concluded for the continued use of this property by the Organisation.

ARTICLE XVIII NON FULFILMENT OF OBLIGATIONS

If a Member State fails to fulfil its obligations under this Convention, it shall cease to be a member of the Organisation on a decision of the Council taken by a two-thirds majority of all Member States. The provisions of Article XVII 2. shall apply in such a case.

ARTICLE XIX DISSOLUTION

1. The Organisation shall be dissolved if at any time there are less than five Member States. It may be dissolved at any time by agreement between the Member States.

2. In the event of dissolution the Council shall appoint a liquidation authority which will negotiate with the States on the territories of which the Headquarters and the Establishments of the Organisation are at that time. The legal personality of the Organisation shall subsist for the purposes of the liquidation.

3. Any surplus shall be distributed among those States, which are members of the Organisation at the time of the dissolution, in proportion to the contributions actually made by them from the dates of their becoming parties to this Convention. In the event of a deficit, this shall be met by the same States in proportion to their contributions as assessed for the financial year then current.

ARTICLE XX SIGNATURE AND RATIFICATION

1. This Convention and the annexed Financial Protocol, which is an integral part thereof, shall be open for signature until the thirty-first of December, 1962, by the States which are parties to the Agreement concluded at Meyrin on the first of December, 1960.

2. This Convention and the annexed Financial Protocol shall be subject to ratification and the instruments of ratification shall be deposited with the Government of France.

3. Pending the deposit of their instruments of ratification, the signatory States may be represented at meetings of the Council and take part in its work, without the right to vote, until the thirty-first of December, 1963.

ARTICLE XXI ENTRY INTO FORCE

1. This Convention and the annexed Financial Protocol shall enter into force when six States have ratified these instruments, provided that :

(a) the total of their percentage contributions on the scale set out in Annex I of the Financial Protocol amounts to not less than seventy-five per cent, and

(b) France and all States, on the territories of which the Organisation will eventually have Establishments in accordance with the provisions of Article VI, shall be among these six States, unless special arrangements can be made to ensure the operation of these Establishments.

2. This Convention and the annexed Financial Protocol shall enter into force for any other signatory or acceding State on the date of deposit of its instrument of ratification or accession, as the case may be.

ARTICLE XXII ACCESSION

1. As from the first of January following the entry into force of the Convention, any State, not a signatory of this Convention, may accede to the Convention and the Financial Protocol annexed thereto by a unanimous decision of all Member States in the Council.

2. If a State wishes to accede to the Organisation, it shall notify the Director-General, who shall inform the Member States of this request at least three months before it is submitted to the Council for decision.

3. Instruments of accession shall be deposited with the Government of France.

ARTICLE XXIII
NOTIFICATIONS

1. The Government of France shall notify all signatory and acceding States of the deposit of each instrument of ratification or accession and all signatory States of the entry into force of this Convention.
2. The Director-General of the Organisation shall notify all Member States of any denunciation under Article XVII or termination under Article XVIII of the Convention.

ARTICLE XXIV
REGISTRATION

Upon entry into force of this Convention the Government of France shall register it with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

In Witness whereof, the under signed representatives, having been duly authorised thereto, have signed this Convention.

Done in Paris, this fourteenth day of June nineteen hundred and sixty two, in the English and French languages, both texts being equally authoritative, in a single copy, which shall be deposited in the archives of the Government of France, which shall transmit certified copies to all signatory and acceding States.

**FINANCIAL PROTOCOL ANNEXED TO THE CONVENTION FOR THE
ESTABLISHMENT OF A EUROPEAN SPACE RESEARCH ORGANISATION**

Opened for signature with the parent convention
14 June 1962

Entered into force with the parent convention
20 March 1964

Superseded by the Convention for the Establishment of a European Space Agency
30 October 1980

The States parties to this Protocol,

Being Parties to the Convention for the establishment of a European Space Research Organisation, hereinafter referred to as "the Convention" and "the Organisation" respectively, signed at Paris on 14 June 1962,

Desiring to make provision for the financial administration of the said Organisation,

Have Agreed as follows:

**ARTICLE I
BUDGET**

1. The financial year of the Organisation shall run from the first of January to the thirty-first of December.
2. The Director-General shall, not later than the first of September in each year and taking into account the provisions of Article III, circulate to the Member States a Draft Budget for the following financial year.
3. The Draft Budget shall be examined by the Administrative and Finance Committee established under Article IV of this Protocol and then transmitted to the Council with the Committee's report thereon.

4. The Council shall adopt the Budget before the beginning of each financial year.
5. Estimates of income and expenditure shall be divided under general headings. Transfers between these general headings shall not be permitted except by authority of the Administrative and Finance Committee.

ARTICLE II REVISED BUDGET

The Council may require the Director-General to present a revised budget if circumstances make it necessary. No decision involving additional expenditure shall be deemed to be approved by the Council until it has approved an estimate submitted by the Director-General of the additional expenditure involved.

ARTICLE III FORWARD BUDGETING

1. As soon as possible after the entry into force of the Convention, the Council shall, by a two-thirds majority of all Member States, determine the level of expenditure for each year of the first three-year period within the agreed figure for that period.
2. For succeeding three-year periods the Council shall, by the same majority, in the year preceding each such period, determine the level of expenditure for each year within the figure determined in accordance with the provisions of Article X. 4 (c) of the Convention.

ARTICLE IV ADMINISTRATIVE AND FINANCE COMMITTEE

The Council shall establish an Administrative and Finance Committee composed of representatives of all Member States in order "inter alia" to fulfil the functions specified in the Financial Rules of the Organisation.

ARTICLE V CONTRIBUTIONS

1. For the period from the entry into force of the Convention to the thirty-first of December following, the Council shall make provisional budgetary arrangements, which shall be met by contributions as provided for in section (1) of the Annex to this Protocol.

2. For the two ensuing financial years approved budget expenditure shall be met by contributions which shall be assessed in the same proportions as the percentage figures set out in Section (2) of the Annex to this Protocol.
3. For subsequent financial years, approved budget expenditure shall be met by contributions as provided for in Article XII. 1 (b) of the Convention.
4. When any State not named in the Table of the Annex to this Protocol becomes a party to the Convention after the thirty-first of December following the date of the entry into force of the Convention, the contributions of all Member States shall be reassessed on the basis of the statistics for the years used in the existing scale and the new scale shall take effect on a date to be decided by the Council. Reimbursements shall be made, if necessary, to ensure that the contributions paid by all Member States for the current year are in conformity with the decision of the Council.
5. (a) The Administrative and Finance Committee shall in consultation with the Director-General determine the terms on which payments in respect of contributions shall be made consistently with the proper financing of the Organisation.

(b) The Director-General shall thereafter notify Member States of the amount of their contributions and of the dates on which payments shall be made.

ARTICLE VI CURRENCY OF CONTRIBUTIONS

1. The budget of the Organisation shall be expressed in accounting units defined by 0.88867088 grams of fine gold.
2. Each Member State shall in principle pay its contribution in its own currency. It shall, nevertheless, pay a part or the whole of its contribution in any currency which the Organisation may need for the execution of its tasks, if the Director-General so requests according to the provisions of Article V. 5.

ARTICLE VII WORKING CAPITAL FUND

The Council may by a unanimous decision of all Member States, establish a Working Capital Fund.

ARTICLE VIII
ACCOUNTS AND AUDITING

1. The Director-General shall keep an accurate account of all receipts and disbursements.
2. The accounts for the total receipts and expenditure shall be examined by an Audit Commission. The Council shall decide by a two-thirds majority which Member States (ensuring a reasonable basis of rotation) shall be invited to nominate, from the senior officials of their countries, auditors to serve on this Commission, and shall appoint by the same majority, from among the national nominations, a Chairman of the Commission for a period not exceeding three years.
3. The purpose of the auditing, which will take place on the basis of relevant documents and, if necessary, within the premises of the Organisation, shall be to verify that the expenditure has conformed with the provisions made in the Budget and that the records are lawful and correct. The Commission shall also report on the economic management of the Organisation's financial means. At the end of each financial year the Commission shall draw up a report, which shall be approved by the majority of its members and thereupon transmitted to the Council.
4. The Audit Commission shall furthermore discharge such other functions as are set out in the Financial Rules approved by the Council.
5. The Director-General shall furnish the auditors with such information and help as they may require to carry out their duties.

In Witness whereof, the undersigned representatives, having been duly authorised thereto, have signed this Protocol.

Done at Paris, this fourteenth day of June nineteen hundred and sixty-two, in the English and French languages, both texts being equally authoritative, in a single copy, which shall be deposited in the archives of the Government of France, which shall transmit certified copies to all signatory and acceding States.

ANNEX (1)

CONTRIBUTIONS FOR THE PERIOD ENDING ON THE THIRTY-FIRST OF
DECEMBER FOLLOWING THE ENTRY INTO FORCE OF THE CONVENTION.

- (a) The States which are parties to the Convention on the date of its entry into force, together with any other States which may become parties to it during the period ending on the following thirty-first of December, shall between them contribute the whole of the sums required by such provisional budgetary arrangements as the Council may make under Article V 1. of this Protocol.
- (b) The contributions of the States, which are parties to the Convention when the Council first makes such provisional budgetary arrangements, shall be provisionally assessed on the basis set out in Article V2. subject to the provisos mentioned in Article XIII. (b) of the Convention.
- (c) The contributions of the States which become parties to the Convention during the period between the first occasion on which provisional budgetary arrangements have been made and the following thirty-first of December, shall be provisionally assessed in such a manner that the relative proportions between the provisional contributions of all Member States are the same as between the percentage figures set out in section (2) of this Annex. Such contributions will serve either, as provided for in paragraph (d) below, to subsequently reimburse part of the provisional contributions previously paid by the other Member States, or to meet additional budgetary appropriations approved by the Council during that period.
- (d) The final contributions due for the period ending on the thirty-first of December following the entry into force of the Convention from all the States which are parties to the Convention on that date, shall be retroactively assessed after that date on the basis of the total budget for the said period, so that they shall be those which they would have been if all these States had become parties to the Convention on the date of its entry into force. Any sum paid by a Member State in excess of its contribution thus retroactively assessed shall be placed to the credit of that Member State.
- (e) If all the States specified in the scale set out in section (2) of this Annex have become parties to the Convention before the thirty-first of December following the entry into force of the Convention, their percentage contributions to the total budget for that period shall be those set out in that scale. (2) Scale to serve as a basis for the assessment of contributions during the period to which Article V 1. and 2. of this Protocol refers.

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Percentages

Austria.	1.99
Belgium.	4.21
Denmark.	2.10
Federal Republic of Germany.	21.48
France.	18.22
Italy.	10.64
Netherlands.	4.04
Norway.	1.60
Spain .	2.53
Sweden.	4.92
Switzerland.	3.27
United Kingdom of Great Britain and Northern Ireland.	25.00
Total	100.00