

391 der Beilagen zu den Stenographischen Protokollen des Nationalrates XV. GP

1980 06 10

Regierungsvorlage**ABKOMMEN ZWISCHEN DER REPUBLIK ÖSTERREICH UND DER EUROPÄISCHEN WELTRAUMORGANISATION**

Die Republik Österreich und

die Europäische Weltraumforschungs-Organisation, die ihre Tätigkeit seit dem 31. Mai 1975 unter dem Namen Europäische Weltraumorganisation ausübt (im folgenden „die Organisation“ genannt) —

IN DER ERWÄGUNG, daß einige Mitgliedstaaten der Organisation gemäß einer Erklärung vom 13. Dezember 1978 (ESA/C/XXVIII/Dec.2) das Programm SIRIO-2 in Angriff genommen haben;

GESTÜTZT AUF die Entschließung des Rates der Organisation vom 13. Dezember 1978, in der dieser den Antrag der Republik Österreich auf Teilnahme am Programm SIRIO-2 einstimmig angenommen hat;

IM HINBLICK darauf, daß die zunehmende Beteiligung der Republik Österreich an den Tätigkeiten und Programmen der Organisation zu begrüßen ist;

GESTÜTZT AUF die Verhandlungen zwischen der Republik Österreich und der Organisation über ein Abkommen zur Festlegung der Bedingungen für die Assoziierung der Republik Österreich mit der Organisation;

IN DEM WUNSCH, die Bedingungen der Teilnahme der

ACCORD ENTRE LA REPUBLIQUE D'AUTRICHE ET L'AGENCE SPATIALE EUROPEENNE

La République d'Autriche et

l'Organisation européenne de Recherches spatiales conduisant ses activités depuis le 31 mai 1975 sous le nom d'Agence spatiale européenne (dénommée ci-après « l'Agence »),

CONSIDERANT que certains Etats membres de l'Agence ont entrepris le programme SIRIO-2 aux termes d'une Déclaration en date du 13 décembre 1978 (ESA/C/XXVIII/Dec. 2),

VU la Résolution du Conseil de l'Agence du 13 décembre 1978 acceptant à l'unanimité la demande de la République d'Autriche de participation au programme SIRIO-2,

SE FELICITANT de la participation croissante de la République d'Autriche dans les activités et programmes de l'Agence,

VU les négociations entre la République d'Autriche et l'Agence sur un Accord définissant les conditions régissant l'association de la République d'Autriche à l'Agence,

DESIREUSES de fixer les modalités de la participation de

AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE EUROPEAN SPACE AGENCY

The Republic of Austria, and

the European Space Research Organisation operating since 31 May 1975 under the name of the European Space Agency (hereinafter referred to as the "Agency"),

CONSIDERING that certain Member States of the Agency have undertaken the SIRIO-2 Programme pursuant to a Declaration dated 13 December 1978 (ESA/C/XXVIII/Dec. 2),

HAVING REGARD to the Resolution taken by the Council on 13 December 1978, which unanimously accepted the request of the Republic of Austria to take part in the SIRIO-2 programme,

WELCOMING the growing participation of the Republic of Austria in the activities and programmes of the Agency,

HAVING REGARD to the negotiations between the Republic of Austria and the Agency on an Agreement defining the conditions governing the association of the Republic of Austria with the Agency,

WISHING to determine the terms and conditions for the

Republik Österreich am Programm SIRIO-2 festzulegen;

GESTÜTZT AUF Artikel XIV Abs. 2 des Übereinkommens zur Gründung einer Europäischen Weltraumorganisation —

SIND WIE FOLGT ÜBEREINGEKOMMEN:

Artikel 1

Zwecks Durchführung des Programms SIRIO-2 hat die Republik Österreich die Rechte und Pflichten eines Teilnehmers, die in der in der Präambel genannten Erklärung, den Durchführungsvorschriften sowie allen anderen Beschlüssen über die Durchführung des genannten Programms festgelegt sind.

Artikel 2

(1) Die Republik Österreich leistet zu den bei der Durchführung des Programms SIRIO-2 entstehenden Kosten einen Beitrag in Höhe von 0,50%.

(2) Vorbehaltlich einer anderen Regelung zwischen den Vertragsparteien wird ein Betrag in Höhe von 5% des in Abs. 1 genannten Beitrags als Beteiligter der Republik Österreich an den fest zugeordneten gemeinsamen Kosten der Organisation verwendet. Dieser Betrag bleibt bei der Berechnung des industriellen Rückflusses unberücksichtigt.

(3) Der Beitrag der Republik Österreich wird nach den in der Organisation geltenden Vorschriften entrichtet.

Artikel 3

(1) Die Republik Österreich ist in den Sitzungen der Teilnehmer des Programms SIRIO-2 im Rahmen des Programmrats für das Wettersatellitenprogramm durch einen Delegierten vertreten, der Berater hinzuziehen kann. Dieser Delegierte hat dort Stimmrecht bei allen das Programm SIRIO-2 betreffenden Fragen.

la République d'Autriche au programme SIRIO-2,

VU l'article XIV.2 de la Convention portant création de l'Agence spatiale européenne,

SONT CONVENUES DE CE QUI SUIT:

Article premier

Aux fins de l'exécution du programme SIRIO-2, la République d'Autriche dispose des droits et obligations d'un participant, tels que définis dans la Déclaration visée au préambule, le règlement d'exécution ainsi que par toutes les autres décisions régissant l'exécution dudit programme.

Article 2

(1) La République d'Autriche contribue aux coûts exposés dans l'exécution du programme SIRIO-2 pour un montant correspondant à un pourcentage de 0,50.

(2) Sous réserve de tout autre arrangement entre les Parties, un montant de 5% de la contribution visée au paragraphe 1 du présent article sera affecté en tant que contribution de la République d'Autriche aux frais communs fixes de l'Agence. Ce montant ne sera pas inclus dans le calcul du retour industriel.

(3) La contribution de la République d'Autriche est acquittée conformément aux règles en vigueur de l'Agence.

Article 3

(1) La République d'Autriche est représentée par un délégué qui peut être accompagné de conseillers aux réunions des Participants au programme SIRIO-2, dans le cadre du Conseil directeur du programme de satellite de météorologie. Ce délégué y dispose du droit de vote sur toutes les questions se référant au programme SIRIO-2.

participation of the Republic of Austria in the SIRIO-2 programme,

HAVING REGARD to the Article XIV.2 of the Convention for the establishment of a European Space Agency,

HAVE AGREED AS FOLLOWS:

Article 1

For the purpose of carrying out the SIRIO-2 programme, the Republic of Austria shall have the rights and obligations of a participant which are defined by the Declaration referred to in the preamble, by the implementing rules, and by any other decisions governing the execution of the said programme.

Article 2

(1) The Republic of Austria shall contribute, towards the costs incurred in the execution of the SIRIO-2 programme an amount corresponding to a percentage of 0.50.

(2) Subject to any other arrangement between the Parties, an amount of 5% of the contribution referred to in paragraph 1 of this Article will be used as participation of the Republic of Austria to the fixed common costs of the Agency. This amount will not be included in the calculation of the industrial return.

(3) The contribution of the Republic of Austria shall be paid in accordance with the rules in force in the Agency.

Article 3

(1) The Republic of Austria shall be represented by a delegate, who may be accompanied by advisers, at the meetings of the Participants in the SIRIO-2 programme, held within the Meteorological Satellite Programme Board. This delegate shall have the right to vote on all matters relating to the SIRIO-2 programme.

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(2) Der Vertreter der Republik Österreich hat das Recht, in allen anderen Gremien der Organisation, die in irgendeiner Hinsicht für das Programm SIRIO-2 zuständig sind, angehört zu werden, wenn diese Gremien dieses Programm betreffende Fragen behandeln.

Artikel 4

Die Republik Österreich notifiziert dem Generaldirektor der Organisation den Namen der Behörde, Gesellschaft oder Person, die mit ihrer Vertretung für die Durchführung dieses Abkommens betraut ist.

Artikel 5

Die Frage der Gewährung von Befreiungen für die Organisation auf abgabenrechtlichem Gebiet wird im Rahmen einer gesonderten Vereinbarung zwischen den Vertragsparteien geregelt werden. Dies gilt auch hinsichtlich Ein- und Ausfuhrverboten und -beschränkungen.

Artikel 6

(1) Die Republik Österreich und die Organisation können die Bestimmungen dieses Abkommens auf Grund der Erfahrung in beiderseitigem Einvernehmen abändern, um insbesondere seine Durchführung zu verbessern.

(2) Schließt sich an das Programm SIRIO-2 eine Nutzungsphase an, an der sich die Republik Österreich beteiligt, so erfolgt diese Beteiligung auf der Grundlage der in diesem Abkommen niedergelegten Grundsätze. In diesem Falle legen die Organisation und die gemäß Artikel 4 notifizierte Behörde, Gesellschaft oder Person die erforderlichen Einzelheiten fest.

Artikel 7

Dieses Abkommen tritt am ersten Tag des dritten Monats nach dem Tag in Kraft, an dem die Vertragsparteien einander mitteilen, daß die für das In-

(2) Le représentant de la République d'Autriche a le droit d'être entendu au sein de tous les autres organes de l'Agence qui ont compétence à quelque titre que ce soit pour traiter du programme SIRIO-2 lorsqu'ils examinent des questions touchant ce programme.

Article 4

La République d'Autriche notifie au Directeur général de l'Agence le nom de l'autorité, société ou personne, chargée de la représenter pour assurer la mise en œuvre du présent Accord.

Article 5

La question de l'octroi de privilèges à l'Agence en matière de taxes et droits fera l'objet d'un arrangement particulier entre les Parties. Celui-ci inclura également la question de l'exemption de prohibitions et de restrictions à l'importation et à l'exportation de biens.

Article 6

(1) La République d'Autriche et l'Agence peuvent réviser d'un commun accord les dispositions du présent Accord sur la base de l'expérience acquise, afin d'en améliorer notamment l'application.

(2) Dans le cas où le programme SIRIO-2 serait suivi d'une phase d'utilisation à laquelle la République d'Autriche participerait, cette participation s'effectuerait sur la base des principes contenus dans le présent Accord. Dans ce cas, l'Agence et l'autorité, société ou personne, notifiée selon l'article 4 ci-dessus, prennent les mesures détaillées nécessaires.

Article 7

Le présent Accord entrera en vigueur le premier jour du troisième mois suivant le jour où les Parties se seront mutuellement notifié l'accomplissement

(2) The representative of the Republic of Austria shall have the right to be heard in all other bodies of the Agency that are competent in any capacity to deal with the SIRIO-2 programme, when they examine matters relating to this programme.

Article 4

The Republic of Austria shall notify to the Director General of the Agency the name of the authority, society or person, nominated to represent it for the purposes of implementing this Agreement.

Article 5

The question of granting of privileges to the Agency concerning taxes and duties shall be the subject of a particular arrangement between the Parties. This will also include the question of exemption from prohibitions or restrictions in respect to the import or export of goods.

Article 6

(1) The Republic of Austria and the Agency may by mutual agreement revise the provisions of this Agreement in the light of experience, in particular in order to improve its implementation.

(2) Should the SIRIO-2 programme be followed by an utilization phase with the participation of the Republic of Austria, this participation shall take place on the basis on the principles stated in this Agreement. In this case the Agency and the authority, society or person, notified in conformity with Article 4 above shall make the necessary detailed arrangements.

Article 7

This Agreement shall enter into force on the first day of the third month after the day on which each Party has notified the other that the con-

krafttreten jeweils erforderlichen Voraussetzungen erfüllt sind.	des formalités nécessaires pour cette entrée en vigueur.	ditions required for the entry into force of the Agreement have been met.
Geschehen zu Wien am 24. April 1980	Fait à Vienne le 24 Avril 1980	Done at Vienna on 24 April 1980
in zwei Urschriften, in deutscher, englischer und französischer Sprache, wobei jeder Text gleichermaßen authentisch ist.	en double exemplaire, en langues allemande, anglaise et française, chacune des versions étant authentique.	in two originals, in the German, English and French languages, all three versions being equally authentic.
Für die Republik Österreich: Dr. Firnberg m. p.	Pour la République d'Autriche: Dr. Firnberg m. p.	For the Republic of Austria: Dr. Firnberg m. p.
Für die Europäische Weltraumorganisation: R. Gibson m. p.	Pour l'Agence spatiale européenne: R. Gibson m. p.	For the European Space Agency: R. Gibson m. p.

Erläuterungen

I. Allgemeiner Teil

Das Abkommen zwischen der Republik Österreich und der Europäischen Weltraumorganisation über die Teilnahme Österreichs am Programm SIRIO-2 ist ein gesetzergänzender Staatsvertrag, dessen Art. 6 Abs. 2 zudem verfassungsändernd ist. Es bedarf daher der Genehmigung des Nationalrates gemäß Art. 50 Abs. 1 und 3 B-VG. Er hat nicht politischen Charakter. Seine Bestimmungen sind hinlänglich bestimmt, sodaß sie in der innerstaatlichen Rechtsordnung unmittelbar angewendet werden können. Eine Beschlussfassung gemäß Art. 50 Abs. 2 B-VG ist daher nicht erforderlich.

Italien hat im Rahmen seines nationalen Weltraumprogramms einen Nachrichtensatelliten mit Experimentalcharakter, SIRIO-1, entwickelt und 1979 in eine geostationäre Umlaufbahn gebracht. Das mit diesem Projekt erworbene Know-how und die als Ersatzteile noch vorhandenen Systeme und Geräte des Satelliten gestatten es, einen weiteren Satelliten desselben Typs (SIRIO-2) mit verhältnismäßig geringen Kosten zu bauen. Diese Vorgangsweise wurde bereits bei einer Reihe von europäischen Satelliten eingeschlagen. Die ESA sieht in ihrer Konvention eine Internationalisierung dieser nationalen Weltraumprogramme vor, mit dem Ziel, daß jeder Mitgliedstaat den anderen die Möglichkeit bietet, im Rahmen der Organisation an jedem neuen Weltraumvorhaben teilzunehmen, das entweder allein oder in Zusammenarbeit mit einem Mitgliedstaat durchzuführen beabsichtigt wird. Italien hat von dieser Möglichkeit Gebrauch gemacht und SIRIO-2 Anfang 1978 der ESA zur Europäisierung angeboten.

Die Aufgaben des Satelliten SIRIO-2 bestehen in der Übertragung meteorologischer Daten afrikanischer Entwicklungsländer, welche heute noch über keine oder nur unzureichende Nachrichtenverbindungen verfügen. Diese Datenübertragung soll nicht nur zwischen den einzelnen meteorologischen Zentren in Afrika vorgenommen werden, sondern auch die wichtigsten europäischen Wetter-

dienste mit Daten des Wettergeschehens in Afrika versorgen. Ferner betrifft die Aufgabenstellung von SIRIO-2 die weltweite Synchronisierung von Atomuhren. Dies geschieht durch eine genaue Messung der Laufzeit von Laser-Blitzen, welche vom Satelliten reflektiert werden sowie durch Messung des Zeitunterschiedes, mit welchem die von verschiedenen mit Atomuhr und Laser ausgestatteten Stationen ausgesandten Laserblitze beim Satelliten eintreffen. Es wird erwartet, daß dadurch ein Zeitvergleich von weit entfernten Atomuhren mit einer Genauigkeit von besser als eine Nanosekunde zustande kommt.

Durch eine Teilnahme am SIRIO-2-Projekt wird sowohl der österreichischen Wissenschaft als auch der österreichischen Industrie eine Möglichkeit der Mitarbeit geboten.

Die Gesamtkosten des Projektes werden von der Europäischen Weltraumbehörde mit zirka 455 Millionen Schilling angegeben. Bei einer Beteiligung Österreichs von 0,5% entspricht dies einem Betrag von 2,22 Millionen Schilling. Diese Mittel werden aus Ansätzen des Bundesministeriums für Wissenschaft und Forschung getragen werden. Die industrielle Rückflußquote wird rund 75% betragen.

II. Besonderer Teil

Artikel 1:

In diesem Artikel wird festgelegt, daß die Republik Österreich zur Durchführung des Programms SIRIO-2 den Status eines Teilnehmers besitzt. Die Rechte und Pflichten daraus ergeben sich aus den in der Präambel genannten Dokumenten und den sonstigen Beschlüssen über die Durchführung des Programms. Die in der Präambel genannten Dokumente werden als Anlage zu dem Abkommen publiziert.

Artikel 2:

Dieser Artikel legt die Höhe des Beitrags und die Art der Entrichtung für das SIRIO-2-Programm fest.

Artikel 3:

Dieser Artikel legt die Befugnisse des österreichischen Vertreters im Programmrat für das Wettersatellitenprogramm fest. Außerdem besteht für Österreich die Möglichkeit, in anderen Gremien der Organisation, die für das Programm SIRIO-2 eine Bedeutung haben, gehört zu werden.

Artikel 4:

Dieser Artikel verpflichtet Österreich, die Institutionen bekanntzugeben, die mit der Durchführung dieses Abkommens betraut ist.

Artikel 5:

In diesem Artikel wird festgelegt, daß die Frage einer abgabenrechtlichen Sonderstellung der Organisation in einem gesonderten Abkommen geregelt werden soll.

Artikel 6:

Im Abs. 2 ist vorgesehen, daß die gemäß Art. 4 notifizierte Behörde, Gesellschaft oder Person und die ESA nach Abschluß des Programms SIRIO-2 die für die Nutzungsphase erforderlichen Einzelheiten festlegen können. Damit wird die Möglichkeit geschaffen, vergleichbar den Beschlüssen eines zwischenstaatlichen Organs, für den österreichischen Rechtsbereich rechtsverbindliche Akte zu setzen. Da die österreichische Bundesverfassung taxativ die Organe aufzählt, die für Österreich rechtsverbindlich handeln können, muß diese Bestimmung als verfassungsändernd behandelt werden.

Artikel 7:

Dieser Artikel enthält Bestimmungen über das Inkrafttreten dieses Abkommens.

A6. CONVENTION FOR THE ESTABLISHMENT OF A EUROPEAN SPACE AGENCY

NOTES

(1) Ref. CSE CS(73)19. rev. 7.

The text was approved by the Conference of Plenipotentiaries held in Paris on 30 May 1975. The Convention was signed after this Conference by all the Member States of the European Space Research Organisation and of the European Organisation for the Development and Construction of Space Vehicle Launchers and open for signature by the States which are members of the European Space Conference.

(2) It will enter into force once the Member States of the European Space Research Organisation and of the European Organisation for the Development and Construction of Space Vehicle Launchers have deposited their instruments of ratification or acceptance with the French Government depository of the original of the Convention. By 1 July 1977 instruments of ratification had been deposited by the Governments of Switzerland. Furthermore, the ratification procedure is achieved in Federal Republic of Germany, Denmark and Italy. In accordance with Resolution no. 1 of the Conference of Plenipotentiaries, the European Space Agency has been operating de facto since 31 May 1975. Ireland signed the Convention on 31 December 1975.

(3) A special agreement has been negotiated to cover the period up to the ESA Convention's entry into force for Ireland. It was signed on 29 November 1976 and entered into force on 9 December 1976, following its approval by the Dail Eireann, with retroactive effect from the date of its signature [ESA AF(76)53, Annex. rev. 3, issued under cover of ESA C(76)122].

The States parties to this Convention,

CONSIDERING that the magnitude of the human, technical and financial resources required for activities in the space field is such that these resources lie beyond the means of any single European country,

CONSIDERING the Resolution adopted by the European Space Conference on 20 December 1972 and confirmed by the European Space Conference on 31 July 1973, which decided that a new organisation, called the "European Space Agency", would be formed out of the European Space Research Organisation and the European Organisation for the Development and Construction of Space Vehicle Launchers, and that the aim would be to integrate the European national space programmes into a European national space programme as far and as fast as reasonably possible,

DESIRING to purpose and to strengthen European cooperation, for exclusively peaceful purposes, in space research and technology and their space applications, with a view to their being used for scientific purposes and for operational space applications systems,

DESIRING, in order to achieve these aims, to establish a single European space organisation to increase the efficiency of the total of European space efforts by making better use of the resources at present devoted to space and to define a European space programme for exclusively peaceful purposes,

HAVE AGREED as follows:

ARTICLE I

Establishment of the Agency

1. A European organisation, called the "European Space Agency", hereinafter referred to as "the Agency", is hereby established.

2. The members of the Agency, hereinafter referred to as "Member States", shall be the States which are parties to this Convention in accordance with Articles XX and XXII.

3. All Member States shall participate in the mandatory activities referred to in Article V, 1 a, and shall contribute to the fixed common costs of the Agency, referred to in Annex II.

4. The Headquarters of the Agency shall be situated in the Paris area.

ARTICLE II

Purpose

The purpose of the Agency shall be to provide for and to promote, for exclusively peaceful purposes, cooperation among European States in space research and technology and their space applications, with a view to their being used for scientific purposes and for operational space applications systems:

- (a) by elaborating and implementing a long-term European space policy, by recommending space objectives to the Member States, and by concerting the policies of the Member States with respect to other national and international organisations and institutions;
- (b) by elaborating and implementing activities and programmes in the space field;
- (c) by coordinating the European space programme and national programmes, and by integrating the latter progressively and as completely as possible into the European space programme, in particular as regards the development of applications satellites;

- (d) by elaborating and implementing the industrial policy appropriate to its programme and by recommending a coherent industrial policy to the Member States.

ARTICLE III

Information and Data

1. Member States and the Agency shall facilitate the exchange of scientific and technical information pertaining to the fields of space research and technology and their space applications, provided that a Member State shall not be required to communicate any information obtained outside the Agency if it considers that such communication would be inconsistent with the interests of its own security or its own agreements with third parties, or the conditions under which such information has been obtained.

2. In carrying out its activities under Article V, the Agency shall ensure that any scientific results shall be published or otherwise made widely available after prior use by the scientists responsible for the experiments. The resulting reduced data shall be the property of the Agency.

3. When placing contracts or entering into agreements, the Agency shall, with regard to the resulting inventions and technical data, secure such rights as may be appropriate for the protection of its interests, of those of the Member States participating in the relevant programme, and of those of persons and bodies under their jurisdiction. These rights shall include in particular the rights of access, of disclosure, and of use. Such inventions and technical data shall be communicated to the participating States.

4. Those inventions and technical data that are the property of the Agency shall be disclosed to the Member States and may be used for their own purposes by these Member States and by persons and bodies under their jurisdiction, free of charge.

5. The detailed rules for the application of the foregoing provisions shall be adopted by the Council, by a two-thirds majority of all Member States.

ARTICLE IV

Exchange of Persons

Member States shall facilitate the exchange of persons concerned with work within the competence of the Agency, consistent with the application to any person of their laws and regulations relating to entry into, stay in, or departure from, their territories.

ARTICLE V

Activities and Programmes

1. The activities of the Agency shall include mandatory activities, in which all Member States participate, and optional activities, in which all Member States participate apart from those that formally declare themselves not interested in participating therein.

(a) With respect to the mandatory activities, the Agency shall:

- (i) ensure the execution of basic activities, such as education, documentation, studies of future projects and technological research work;
- (ii) ensure the elaboration and execution of a scientific programme including satellites and other space systems;
- (iii) collect relevant information and disseminate it to Member States, draw attention to gaps and duplication, and provide advice and assistance for the harmonisation of international and national programmes;
- (iv) maintain regular contact with the users of space techniques and keep itself informed of their requirements.

(b) With respect to the optional activities, the Agency shall ensure, in accordance with the provisions of Annex III, the execution of programmes which may, in particular, include:

- (i) the design, development, construction, launching, placing in orbit, and control of satellites and other space systems;
- (ii) the design, development, construction, and operation of launch facilities and space transport systems.

2. In the area of space applications the Agency may, should the occasion arise, carry out operational activities under conditions to be defined by the Council by a majority of all Member States. When so doing the Agency shall:

- (a) place at the disposal of the operating agencies concerned such of its own facilities as may be useful to them;
- (b) ensure as required, on behalf of the operating agencies concerned, the launching, placing in orbit and control of operational application satellites;
- (c) carry out any other activity requested by users and approved by the Council. The cost of such operational activities shall be borne by the users concerned.

3. With respect to the coordination and integration of programmes referred to in Article II (c), the Agency shall receive in good time from Member States information on projects

relating to new space programmes, facilitate consultations among the Member States, undertake, any necessary evaluation and formulate appropriate rules to be adopted by the Council by a unanimous vote of all Member States. The objectives and procedures of the internationalisation of programmes are set out in Annex IV.

ARTICLE VI

Facilities and Services

1. For the execution of the programmes entrusted to it, the Agency:

- (a) shall maintain the internal capability required for the preparation and supervision of its tasks and, to this end, shall establish and operate such establishments and facilities as are required for its activities;
- (b) may enter into special arrangements for the execution of certain parts of its programmes by, or in cooperation with, national institutions of the Member States, or for the management by the Agency itself of certain national facilities.

2. In implementing their programmes, the Member States and the Agency shall endeavour to make the best use of their existing facilities and available services as a first priority, and to rationalise them; accordingly they shall not set up new facilities or services without having first examined the possibility of using the existing means.

ARTICLE VII

Industrial Policy

1. The industrial policy which the Agency is to elaborate and apply by virtue of Article II d shall be designed in particular to:

- (a) meet the requirements of the European space programme and the coordinated national space programmes in a cost-effective manner;
- (b) improve the world-wide competitiveness of European industry by maintaining and developing space technology and by encouraging the rationalisation and development of an industrial structure appropriate to market requirements, making use in the first place of the existing industrial potential of all Member States;
- (c) ensure that all Member States participate in an equitable manner, having regard to their financial contribution, in implementing the European space programme and in the associated development of space technology; in particular the Agency shall, for the execution of its programmes, grant pre-

ference to the fullest extent possible to industry in all Member States, which shall be given the maximum opportunity to participate in the work of technological interest undertaken for the Agency;

- (d) exploit the advantages of free competitive bidding in all cases, except where this would be incompatible with other defined objectives of industrial policy.

Other objectives may be defined by the Council by a unanimous decision of all Member States.

The detailed arrangements for the attainment of these objectives shall be those set out in Annex V and in rules which shall be adopted by the Council by a two-thirds majority of all Member States and reviewed periodically.

2. For the execution of its programmes, the Agency shall make the maximum use of external contractors consistent with the maintenance of the internal capability referred to in Article VI, 1.

ARTICLE VIII

Launchers and Other Space Transport Systems

1. When defining its missions, the Agency shall take into account the launchers or other space transport systems developed within the framework of its programmes, or by a Member State, or with a significant Agency contribution, and shall grant preference to their utilisation for appropriate payloads if this does not present an unreasonable disadvantage compared with other launchers or space transport means available at the envisaged time, in respect of cost, reliability and mission suitability.

2. If activities or programmes under Article V include the use of launchers or other space transport systems, the participating States shall, when the programme in question is submitted for approval or acceptance, inform the Council of the launcher or space transport system envisaged. If during the execution of a programme the participating States wish to use a launcher or space transport system other than the one originally adopted, the Council shall make a decision on this change in accordance with the same rules as those applied in respect of the initial approval or acceptance of the programme.

ARTICLE IX

Use of Facilities, Assistance to Member States, and Supply of Products

1. Provided that their use for its own activities and programmes is not thereby prejudiced, the Agency shall make its facilities available, at the cost of the State concerned, to any Member

State that asks to use them for its own programmes. The Council shall determine, by a two-thirds majority of all Member States, the practical arrangements under which the facilities will be made available.

2. If, outside the activities and programmes referred to in Article V but within the purpose of the Agency, one or more Member States wish to engage in a project, the Council may decide by a two-thirds majority of all Member States to make available the assistance of the Agency. The resulting cost to the Agency shall be met by the Member State or States concerned.

3. (a) Products developed under a programme of the Agency shall be supplied to any Member State that has taken part in the funding of the programme in question and asks for such products to be supplied for its own purposes.

The Council shall determine by a two-thirds majority of all Member States the practical arrangements under which such products will be supplied and in particular the measures to be taken by the Agency in regard to its contractors to enable the requesting Member State to obtain those products.

(b) This Member State may ask the Agency to state whether it considers that the prices proposed by the contractors are fair and reasonable and whether, under similar circumstances, it would consider them acceptable for the purposes of its own requirements.

(c) The fulfilment of the requests referred to in this paragraph shall not involve the Agency in any additional costs, and all costs resulting from such requests shall be borne by the requesting Member State.

ARTICLE X

Organs

The organs of the Agency shall be the Council, and the Director General assisted by a staff.

ARTICLE XI

The Council

1. The Council shall be composed of representatives of the Member States.

2. The Council shall meet as and when required, either at delegate level or at ministerial level. The meetings shall be held at the Agency's Headquarters unless the Council decides otherwise.

3. (a) The Council shall elect for two years a Chairman and vice-chairmen, who may be re-elected once for a further year. The Chairman shall direct the proceedings of the Council and ensure the preparation of its decisions; he shall

inform the Member States of proposals for the execution of an optional programme; he shall assist in coordinating the activities of the organs of the Agency. He shall maintain liaison with the Member States, through their delegates to the Council, on general policy matters affecting the Agency and shall endeavour to harmonise their view thereon. In the interval between meetings, he shall advise the Director General and shall obtain from him all necessary information.

(b) The Chairman shall be assisted by a Bureau, the composition of which shall be decided by the Council and which shall be convened by the Chairman. The Bureau shall advise the Chairman in the preparation of Council meetings.

4. When the Council meets at ministerial level it shall elect a chairman for the meeting. The next ministerial meeting shall be convened by him.

5. In addition to the functions set forth elsewhere in this Convention and in accordance with its provisions, the Council shall:

(a) as regards the activities and programme referred to in article V, 1 (a) (i) and (ii):

(i) approve the activities and programme by a majority of all Member States; decisions to this effect may only be changed by new decisions adopted by a two-thirds majority of all Member States;

(ii) determine, by a unanimous decision of all Member States, the level of resources to be made available to the Agency for the coming five-year period;

(iii) determine, by a unanimous decision of all Member States, towards the end of the third year of each five-year period and after a review of the situation, the level of resources to be made available to the Agency for the new five-year period starting at the end of this third year;

(b) as regards the activities referred to in Article V, 1 (a) (iii) and (iv):

(i) define the policy to be followed by the Agency in pursuit of its purpose;

(ii) adopt, by a two-thirds majority of all Member States, recommendations addressed to Member States;

(c) as regards the optional programmes referred to in Article V, 1 (b):

(i) accept each programme by a majority of all Member States;

(ii) determine, as appropriate, in the course of their implementation, the order of priority of programmes;

(d) adopt the annual work plans of the Agency;

(e) as regards the budgets as defined in Annex II;

(i) adopt the annual general budget of the Agency by a two-thirds majority of all Member States;

(ii) adopt each programme budget by a two-thirds majority of the participating States;

(f) adopt, by a two-thirds majority of all Member States, the Financial Regulations and all other financial arrangements of the Agency;

(g) keep under review expenditure on the mandatory and optional activities referred to in Article V, 1;

(h) approve and publish the audited annual accounts of the Agency;

(i) adopt the Staff Regulations by a two-thirds majority of all Member States;

(j) adopt, by a two-thirds majority of all Member States, rules under which authorisation will be given, bearing in mind the peaceful purposes of the Agency, for the transfer outside the territories of the Member States of technology and products developed under the activities of the Agency or with its help;

(k) decide on the admission of new Member States in accordance with Article XXII;

(l) decide on the arrangements to be made in accordance with Article XXIV in the event of a Member State's denouncing this Convention or ceasing to be a member under Article XVIII;

(m) take all other measures necessary for the fulfilment of the purpose of the Agency within the framework of this Convention.

6. (a) Each Member State shall have one vote in the Council. However, a Member State shall not have the right to vote on matters concerning exclusively an accepted programme in which it does not take part.

(b) A Member State shall have no vote in the Council if the amount of its arrears of contributions to the Agency in respect of all activities and programmes covered by Article V in which it participates exceeds the assessed amount of its contributions for the current financial year. Moreover, if the amount of a Member State's arrears of contributions to any one of the programmes under Article V, 1 (a) (ii) or V, 1 (b) in which it participates exceeds the assessed amount of its contributions to that programme for the current financial year, then that Member State shall have no vote in the Council on questions relating exclusively to that programme. In any such case, the Member State may nevertheless be authorised to vote in the Council if a two-thirds majority of all Member States considers that the non-payment of con-

tributions is due to circumstances beyond its control.

(c) The presence of delegates from a majority of all Member States shall be necessary to constitute a quorum at any meeting of the Council.

(d) Except where this Convention provides otherwise, decisions of the Council shall be taken by a simple majority of Member States represented and voting.

(e) In determining the unanimity or majorities provided for in this Convention, account shall not be taken of a Member State which has no vote.

7. The Council shall adopt its own rules of procedure.

8. (a) The Council shall establish a Science Programme Committee, to which it shall refer any matter relating to the mandatory scientific programme under Article V, 1 (a) (iii). It shall authorise that Committee to take decisions regarding that programme, subject always to the Council's functions of determining the level of resources and adopting the annual budget. The terms of reference of the Science Programme Committee shall be determined by the Council by a two-thirds majority of all Member States and in accordance with this Article.

(b) The Council may establish such other subordinate bodies as may be necessary for the purpose of the Agency. The establishment and terms of reference of such bodies, and the cases in which they have powers of decision, shall be determined by the Council by a two-thirds majority of all Member States.

(c) When a subordinate body examines a question relating exclusively to one of the optional programmes referred to in Article V, 1 (b), non-participating States shall have no vote unless all participating States decide otherwise.

ARTICLE XII

Director General and Staff

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 Agency and its legal representative. He shall take all measures necessary for the management of the Agency, the execution of its programmes, the implementation of its policy and the fulfilment of its purpose, in accordance with the directives issued by the Council. He shall have authority over the establishments of the Agency. He shall, in

regard to the financial administration of the Agency, act in accordance with the provisions of Annex II. He shall make an annual report to the Council, and this report shall be published. He may also submit proposals concerning activities and programmes as well as measures designed to ensure the fulfilment of the Agency's purpose. He attends meetings of the Agency without the right to vote.

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

2. The Director General shall be assisted by such scientific, technical, administrative and clerical staff as he may consider necessary, within the limits authorised by the Council.

3. (a) Senior management staff, as defined by the Council, shall be appointed and may be dismissed by the Council on the recommendation of the Director General. Appointments and dismissals made by the Council shall require a two-thirds majority of all Member States.

(b) Other staff members shall be appointed and may be dismissed by the Director General, acting on the authority of the Council.

(c) All staff shall be recruited on the basis of their qualifications, taking into account an adequate distribution of posts among nationals of the Member States. Appointments and their termination shall be in accordance with the Staff Regulations.

(d) Scientists who are not members of the staff and who carry out research in the establishments of the Agency shall be subject to the authority of the Director General and to any general rules adopted by the Council.

4. The responsibilities of the Director General and the staff in regard to the Agency 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 Agency. Each Member State shall respect the international character of the responsibilities of the Director General and the staff, and shall not seek to influence them in the discharge of their duties.

ARTICLE XIII

Financial Contributions

1. Each Member State shall contribute to the costs of the activities and programme referred to in Article V, 1 (a) and, in accordance with Annex II, to the common costs of the Agency, in accordance with a scale adopted by the

Council, by a two-thirds majority of all Member States, either every three years at the time of the review referred to in Article XI, 5 (a) (iii), or whenever the Council, by a unanimous vote of all Member States, decides to establish a new scale. The scale of contributions shall be based on the average national income of each Member State for the three latest years for which statistics are available. Nevertheless,

(a) no Member State shall be required to pay contributions in excess of twenty-five percent of the total amount of contributions assessed by the Council to meet these costs;

(b) the Council may, by a two-thirds majority of all Member States, decide in the light of any special circumstances of a Member State to reduce its contribution for a limited period. In particular, when the annual per capita income of a Member State is less than an amount to be decided by the Council by the same majority, this shall be considered as a special circumstance within the meaning of this provision.

2. Each Member State shall contribute to the costs of each optional programme covered by Article V, 1 (b), unless it has formally declared itself not interested in participating therein and is therefore not a participant. Unless all participating States decide otherwise, the scale of contributions to a given programme shall be based on the average national income of each participating State for the three latest years for which statistics are available. This scale shall be revised either every three years or whenever the Council decides to establish a new scale in accordance with paragraph 1. However, no participating State shall, by the operation of this scale, be required to pay contributions in excess of twenty-five percent of the total amount of contributions to the programme concerned. Nevertheless, the percentage contribution to be made by each participating State shall be equivalent to at least twenty-five percent of its percentage contribution established under the provisions of paragraph 1, unless all the participating States decide otherwise when adopting the programme or during the execution of the programme.

3. The statistical systems to be used for establishing the scales of contribution referred to in paragraphs 1 and 2 shall be the same, and shall be determined in the Financial Regulations.

4. (a) Any State that was not a party to the Convention for the establishment of a European Space Research Organisation or to the Convention for the establishment of a European Organisation for the Development and Con-

struction of Space Vehicle Launchers and which becomes a party to this Convention shall make, in addition to its contributions, a special payment related to the current value of the assets of the Agency. The amount of this special payment shall be fixed by the Council by a two-thirds majority of all Member States.

(b) Payments made in accordance with the provisions of sub-paragraph (a) shall be used to reduce the contributions of the other Member States unless the Council decides otherwise by a two-thirds majority of all Member States.

5. Contributions due under this Article shall be paid in accordance with Annex II.

6. Subject to any directions given by the Council, the Director General may accept gifts or legacies to the Agency provided that they are not subject to any conditions inconsistent with the purpose of the Agency.

ARTICLE XIV

Cooperation

1. The Agency may, upon decisions of the Council taken by unanimous votes of all Member States, cooperate with other international organisations and institutions and with Governments, organisations and institutions of non-member States, and conclude agreements with them to this effect.

2. Such cooperation may take the form of participation by non-member States or international organisations in one or more of the programmes under Article V, I (a) (ii) and V, I (b). Subject to the decisions to be taken under paragraph 1, the detailed arrangements for such cooperation shall be defined in each case by the Council by a two-thirds majority of the States participating in the programme in question. These arrangements may provide that a non-member State shall have a vote in the Council when the latter examines matters pertaining exclusively to the programme in which that State participates.

3. Such cooperation may also take the form of according associate membership to non-member States which undertake to contribute at least to the studies of future projects under Article V, 1 (a) (i). The detailed arrangements for each such associate membership shall be defined by the Council by a two-thirds majority of all Member States.

ARTICLE XV

Legal Status, Privileges and Immunities

1. The Agency shall have legal personality.

2. The Agency, its staff members and experts, and the representatives of its Member States,

shall enjoy the legal capacity, privileges and immunities provided for in Annex I.

3. Agreements concerning the Headquarters of the Agency and the establishments set up in accordance with Article VI shall be concluded between the Agency and the Member States on whose territories the Headquarters and establishments are situated.

ARTICLE XVI

Amendments

1. The Council may recommend to Member States amendments to this Convention and to Annex I thereto. Any Member State that wishes to propose an amendment shall notify the Director General thereof. The Director General shall inform the Member States of any amendment so notified at least three months before it is discussed by the Council.

2. Any amendment recommended by the Council shall enter into force thirty days after the Government of France has received notification of acceptance from all Member States. The Government of France shall notify all Member States of the date of entry into force of any such amendment.

3. The Council may, by a unanimous vote of all Member States, amend any of the other Annexes to this Convention, provided that such amendments do not conflict with the Convention. Any such amendment shall enter into force on a date to be decided by the Council by a unanimous vote of all Member States. The Director General shall inform all Member States of any such amendment and of the date on which it will enter into force.

ARTICLE XVII

Disputes

1. Any dispute between two or more Member States, or between any of them and the Agency, concerning the interpretation or application of this Convention or its Annexes, and likewise any dispute referred to in Article XXVI of Annex I, which is not settled by or through the Council, shall, at the request of any party to the dispute, be submitted to arbitration.

2. Unless the parties to the dispute decide otherwise, the arbitration procedure shall be in accordance with this Article and with additional rules to be adopted by the Council by a two-thirds majority of all Member States.

3. The Arbitration Tribunal shall consist of three members. Each party to the dispute shall nominate one arbitrator; the first two arbitrators shall nominate the third arbitrator, who shall be the chairman of the Arbitration Tribunal. The additional rules referred to in paragraph 2 shall

determine the procedure to be followed if the nominations have not taken place within a specified time.

4. Member States or the Agency, not being parties to the dispute, may intervene in the proceedings with the consent of the Arbitration Tribunal if it considers that they have a substantial interest in the decision of the case.

5. The Arbitration Tribunal shall determine its seat and establish its own rules of procedure.

6. The award of the Arbitration 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 Arbitration Tribunal shall interpret it at the request of any party to the dispute.

ARTICLE XVIII

Non-fulfilment of Obligations

Any Member State which fails to fulfil its obligations under this Convention shall cease to be a member of the Agency on a decision of the Council taken by a two-thirds majority of all Member States. The provisions of Article XXIV shall apply in such a case.

ARTICLE XIX

Continuity of Rights and Obligations

On the date when this Convention enters into force, the Agency shall take over all rights and obligations of the European Space Research Organisation and of the European Organisation for the Development and Construction of Space Vehicle Launchers.

ARTICLE XX

Signature and Ratification

1. This Convention shall be open until 31 December 1975 for signature by the States which are members of the European Space Conference. The Annexes to this Convention shall form an integral part thereof.

2. This Convention shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of France.

3. After the entry into force of the Convention and pending the deposit of its instrument of ratification or acceptance, a signatory State may take part in the meetings of the Agency, without the right to vote.

ARTICLE XXI

Entry into Force

1. This Convention shall enter into force when the following States, being members of the European Space Research Organisation or the European Organisation for the Development and Construction of Space Vehicle Launchers, have signed it and have deposited with the Government of France their instruments of ratification or acceptance: the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Federal Republic of Germany, the Italian Republic, the Kingdom of the Netherlands, Spain, the Kingdom of Sweden, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland. For any State ratifying, accepting or acceding to this Convention after its entry into force, the Convention shall become effective on the date of deposit by such State of its instrument of ratification, acceptance or accession.

2. The Convention for the establishment of a European Space Research Organisation and the Convention for the establishment of a European Organisation for the Development and Construction of Space Vehicle Launchers shall terminate on the date of the entry into force of this Convention.

ARTICLE XXII

Accession

1. After the entry into force of this Convention, any State may accede thereto following a decision of the Council taken by a unanimous vote of all Member States.

2. A State that wishes to accede to this Convention 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

The Government of France shall notify all signatory and acceding States of:

- (a) the date of deposit of each instrument of ratification, acceptance or accession;
- (b) the date of entry into force of this Convention and of amendments covered by Article XVI, 2;
- (c) the denunciation of the Convention by a Member State.

ARTICLE XXIV**Denunciation**

1. After this Convention has been in force for six years, any Member State may denounce it by notifying the Government of France, which shall notify the other Member States and the Director General. The denunciation shall take effect at the end of the financial year following that during which it was notified to the Government of France. After the denunciation has taken effect, the State concerned shall remain bound to honour its due share of the payment appropriations corresponding to approved contract authority used both under the budgets to which it was contributing for the year in which the denunciation was notified to the Government of France, and under previous budgets.

2. A Member State denouncing the Convention shall indemnify the Agency for any loss of property on its territory, unless a special agreement can be concluded with the Agency for the continued use of this property by the Agency or the continuation of certain activities of the Agency on the territory of the said State. Any such special agreement shall determine in particular to what extent and on what conditions the provisions of this Convention shall continue to apply, after the denunciation has taken effect, to the continued use of this property and the continuation of these activities.

3. A Member State denouncing the Convention, and the Agency, shall jointly determine any additional obligations to be borne by the said State.

4. The State concerned shall retain the rights it has acquired up to the date on which the denunciation takes effect.

ARTICLE XXV**Dissolution**

1. The Agency shall be dissolved if the number of Member States becomes less than five. 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 whose territories the Headquarters and establishments of the Agency are situated at the time. The legal personality of the Agency shall subsist for the purposes of the liquidation.

3. Any surplus shall be distributed among those States that are members of the Agency 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 XXVI**Registration**

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

ESA/C/XXVIII/Dec. 2
Paris, 14. Dezember 1978
Übersetzung aus dem Französischen

ERKLÄRUNG DER TEILNEHMER AM PROGRAMM SIRIO-2

(angenommen am 13. Dezember 1978)

Die Vertreter der Regierungen *) (Österreichs), (Belgiens), (Dänemarks), (Frankreichs), (Deutschlands), Italiens, (Spaniens), der Schweiz und des Vereinigten Königreichs, die am 13. Dezember 1978 im Rat der Europäischen Weltraumorganisation zusammengetreten sind —

GESTÜTZT AUF die am 15. Februar 1977 vom Rat angenommene Erklärung über ein Gesamtprogramm auf dem Gebiet der Nachrichtensatelliten [ESA/C-M(Feber 77)Dec. 1] und insbesondere AUF Ziffer 6;

IN ANBETRACHT des von den Nutzern bekundeten Interesses an folgenden Nutzlastbestandteilen:

- a) der Mission „Verteilung meteorologischer Daten“ (MDD): in den Empfehlungen der Arbeitsgruppe „Weltraummeteorologie“ (SMWG) des Meteosat-Programmrats und der Weltorganisation für Meteorologie (WMO), die in den Vorlagen ESA/C(78)41, add. 1 und ESA/C(78)127, add. 1 dargelegt sind;
- b) der Mission „Synchronisierung der Atomuhren“ (LASSO): in der Vorlage ESA/C(78)41, add. 1, in der die interessierten Forschungsinstitute aufgeführt sind;

GESTÜTZT AUF die Beschreibung des Programms SIRIO-2 in der Vorlage ESA/C(78)41 und die Angaben in ESA/C(78)127 über den Finanzrahmen des Programms und die Entwicklungsdauer;

GESTÜTZT AUF den Beschluß des Rates, durch den die Fortsetzung der Vorstudien bis Oktober 1978 und Rückzahlung der entsprechenden Ausgaben an den Allgemeinen Haushalt genehmigt wurden (ESA/C/MIN/24, Punkt 3.4) sowie in Anbetracht des vom Ausschuß für das wissenschaftliche Programm an SIRIO-2 bekundeten Interesses;

GESTÜTZT AUF die EntschlieÙung des Rates vom 8. November 1978 über die Durchführung des Programms SIRIO-2 (ESA/C/XXVII/Res. 4);

GESTÜTZT AUF das Übereinkommen zur Gründung einer Europäischen Weltraumorganisation und vor allem auf Artikel V Absatz 1 Buchstabe b und Anlage III;

*) Die in Klammern genannten Delegationen haben die Erklärung nicht förmlich angenommen. Ihre diesbezüglichen Stellungnahmen sind unter Punkt 4.5 des Protokolls der 28. Ratstagung (ESA/C/MIN/28) im einzelnen dargelegt.

GESTÜTZT AUF die der Schlußakte der Konferenz der Bevollmächtigten zur Gründung einer Europäischen Weltraumorganisation beigefügte EntschlieÙung Nr. 1 —

1. KOMMEN ÜBEREIN, das Programm SIRIO-2, so wie in Anlage A zu dieser Erklärung beschrieben, im Rahmen der Organisation zu unternehmen und SIRIO-2 mit Ariane beim Qualifikationsflug des Doppelstartsystems (SYLDA) zusammen mit Marecs B oder ECS 1 zu starten, wobei Einvernehmen darüber besteht,

- a) daß die Kosten für das Programm SIRIO-2 genau so hoch sein werden, wie sie im Fall der Mitführung bei LO4 gewesen wären;
- b) daß sich daraus keine Kostenerhöhung für die andere Passagiernutzlast ergibt;

2. BEAUFTRAGEN die Organisation, dieses Programm nach ihren geltenden Vorschriften und den Bestimmungen dieser Erklärung durchzuführen;

3. KOMMEN ÜBEREIN, die Durchführungskosten des Programms innerhalb eines Finanzrahmens von 21,16 Mio RE (Preisstand Mitte 1977, Umrechnungskurse 1978) nach den finanziellen Bestimmungen in Anlage B zu dieser Erklärung zu tragen;

4. STELLEN FEST:

- a) daß der vorgenannte Finanzrahmen nur die Kosten des in Anlage A beschriebenen Programms abdeckt, dessen Dauer, vom Beginn der Entwicklungsphase an gerechnet, auf 28 Monate veranschlagt wird;
- b) daß die Beteiligung der Staaten, die diese Erklärung angenommen haben, an der Entwicklung von SIRIO-2 keine Vorentscheidung darstellt für ihre Beteiligung an

- i) dem Experimentierprogramm und der Nutzung von SIRIO-2; die diesbezüglichen Kosten werden für einen Zeitraum von zwei Jahren nach dem Start auf 3,3 Mio RE (Preisstand Mitte 1977, Umrechnungskurse 1978) geschätzt;
- ii) der Errichtung von MDD-Empfangsstationen zusätzlich zu den drei im Programm vorgesehenen Prototypen; die Teilnehmer werden einander zu gegebener Zeit darüber konsultieren, wie diese errichtet und finanziert werden sollen.

5. KOMMEN ÜBEREIN, daß sich die in der Präambel nicht genannten Staaten, ungeachtet der Artikel 1 und 2 der Anlage III zum EWO-Übereinkommen, dieser Erklärung binnen sechs Monaten nach dem Tag ihrer Annahme anschließen können. In diesem Fall verringert sich der in Anlage B Abschnitt 2 gegenwärtig für Italien vorgesehene Beitrag um die Beitragssumme dieser neuen Teilnehmer;

6. KOMMEN ÜBEREIN, daß das Programm in Angriff genommen wird, sobald die Beiträge der Teilnehmer, die diese Erklärung angenommen haben, 75% der Gesamtsumme der Beiträge ausmachen;

7. NEHMEN das Interesse Österreichs am Programm ZUR KENNTNIS und VEREINBAREN, Österreich als Teilnehmer zu betrachten, sobald der Rat dem österreichischen Antrag auf Teilnahme stattgegeben hat;

8. FORDERN den Generaldirektor AUF, alle zweckdienlichen Maßnahmen zu ergreifen und ihnen und dem Rat den Entwurf von Durchführungsvorschriften für das Programm zur Genehmigung vorzulegen und bei der WMO und ihren Mitgliedstaaten sowie beim Europäischen Entwicklungsfonds zu eruiieren, ob sie Beiträge zu diesem Programm leisten könnten.

ANLAGE A

BESCHREIBUNG DES PROGRAMMS SIRIO-2

1. Beschreibung

a) Bei dem Programm wird ein verfügbares Flugmodell der SIRIO-Plattform ohne wesentliche Änderungen verwendet, um zwei experimentelle Missionen, die für die Bereiche Meteorologie und Geodäsie von Interesse sind, durchzuführen. Es handelt sich um die beiden folgenden Missionen:

- Mission zur Verteilung meteorologischer Daten, genannt MDD, die im Rahmen der Weltwetterwacht der Weltorganisation für Meteorologie durchgeführt wird. Diese Mission ermöglicht eine Verbesserung der Übertragung meteorologischer Informationen in Afrika ohne Änderung der Pläne und Verfahren der Weltwetterwacht. Es handelt sich um den Empfang und die Verteilung meteorologischer Informationen, die von acht regionalen Zentren und einigen auf dem afrikanischen Kontinent verstreuten einfachen Stationen gesammelt werden. Zu diesem Zweck werden zwei Arten von Übertragungskanälen eingesetzt: Kanäle großer Kapazität und Kanäle geringer Kapazität, die in Time-sharing arbeiten können.
- Mission zur Synchronisierung der Atomuhren mittels Laser-Echo an den Reflektoren an Bord von SIRIO-2, genannt LASSO (Laser Synchronisation from Stationary Orbit). Ziel dieser Mission ist es, die weltweite Synchronisierung der Atomuhren soweit zu verbessern, daß eine Genauigkeit von mindestens 1 Nano-

sekunde erreicht wird. Die entsprechende Nutzlast umfaßt Laser-Reflektoren, Lasersignaldetektoren und ein Intervallometer.

Bei der Durchführung der Mission wirken internationale und nationale Institutionen mit.

b) Das Programm besteht aus folgenden Teilen:

- Weltraumsegment,
- Betrieb des Weltraumsegments*),
- Prototypen von MDD-Empfangsstationen.

2. Start

Es ist beabsichtigt, SIRIO-2 mit Ariane beim Qualifikationsflug des Doppelstartsystems (SYLDA) zusammen mit Marecs-B oder ECS-1 zu starten.

3. Revisionsklausel

Die Bestimmungen dieser Anlage können durch einstimmigen Beschluß der Teilnehmer revidiert werden.

*) Dieser Teil des Programms ist durch den Finanzrahmen nicht abgedeckt (siehe Anlage B, Abschnitt 1)

ANLAGE B

FINANZIELLE BESTIMMUNGEN

1. Kosten des Programms

Der Finanzrahmen von 21,16 Mio RE (Preisstand Mitte 1977, Umrechnungskurse 1978) umfaßt, ausgehend von einer auf 28 Monate veranschlagten Programmdauer, folgende Kostenelemente:

— Entwicklung des Satelliten (einschließlich Prototypen von MDD-Empfangsstationen)	17,86 Mio RE
— Managementkosten des Programms und technische Unterstützung durch ESTEC und ESOC	<u>3,30 Mio RE</u>
	21,16 Mio RE

Nicht eingeschlossen in diesen Finanzrahmen sind die Kosten für die zweijährige Experimentier- und Nutzungsphase nach dem Start, die (zum Preisstand von Mitte 1977 und den Umrechnungskursen 1978) auf 3,3 Mio RE geschätzt werden, und die Kosten für die Errichtung weiterer MDD-Empfangsstationen nach den drei geplanten Prototypen.

2. Beitragsschlüssel

Zu dem in Abschnitt 1 genannten Finanzrahmen leisten die Teilnehmer Beiträge nach folgendem Schlüssel:

Teilnehmer	%
Deutschland	6,11
Osterreich	0,61
Belgien	3,30
Dänemark	2,08
Spanien	0,61
Frankreich	6,11
Italien	74,95
Ver. Königreich	1,83
Schweiz	4,40

Italien erklärt sich damit einverstanden, die Zahlung von zusätzlich bis zu 4,3% zu gewährleisten, falls sich eine Lücke zwischen den vorgenannten Prozentsätzen und den von den Teilnehmern endgültig genehmigten Sätzen ergibt.

3. Finanzielle Regelung

a) Die Ausgaben für die Durchführung des Programms werden dem Programmhaushalt angelastet, der von der Organisation nach den einschlägigen Bestimmungen der Finanzordnung eingerichtet und verwaltet wird.

b) Der vorläufige Zahlungsplan sieht wie folgt aus:

	1979	1980	1981	1982	Insgesamt
Mio RE*	6,0	7,50	7,16	0,50	21,16

*) Zum Preisstand von Mitte 1977 und den für 1978 geltenden Umrechnungskursen

Er wird fortgeschrieben, um Preis- und Umrechnungskursänderungen Rechnung zu tragen.

4. Revisionsklausel

Abschnitt 1 und 2 dieser Anlage können durch einstimmigen Beschluß der Teilnehmer und Abschnitt 3 mit Zweidrittelmehrheit revidiert werden.

Übersetzung aus dem Französischen
13. Dezember 1978

RAT

DER RAT —

GESTÜTZT AUF die EntschlieÙung ESA/C/XXVII/Res. 4 über das Programm SIRIO-2 —

A. BESCHLIESST als Ausnahme von den Finanzbestimmungen der Organisation, daß die internen Kosten der Organisation für die Durchführung des SIRIO-Programms, das gemäß der Erklärung ESA/C/XXVIII/Dec. 2 im Rahmen der EWO unternommen wird, diesem Programm auf Grenzkostenbasis in Rechnung gestellt werden.

B. GIBT seine Zustimmung zur Beteiligung Österreichs am Programm und BEAUFTRAGT den Generaldirektor, die notwendigen Übereinkünfte mit Österreich zu schließen, sobald es einen entsprechenden förmlichen Antrag gestellt hat.

C. BEAUFTRAGT den METEOSAT-Programmrat, sämtliche Beschlüsse zur Durchführung des Programms SIRIO-2, vor allem zur Abfassung der Durchführungsbestimmungen und zur Verabschiedung der Jahreshaushalte zu fassen.