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Protocol were previously
published as Treaty Series No 2
(1976) Cmnd 6366



Treaty Series No. 43 (2011)

Amended Convention

establishing the European Centre for Medium-Range Weather Forecasts
and the Protocol on the Privileges and Immunities of the Centre

Adopted Brussels, 22 April 2005

[The Amended Convention and Protocol entered into force on the 6 June 2010]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 2011*

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The Amending Protocol Amendments to the Convention establishing the European Centre for Medium-Range Weather Forecasts and the Protocol on the Privileges and Immunities of the Centre was previously published in 2006 in the Miscellaneous Series as Command Paper number Cm 6871.

The following Amended Convention establishing the European Centre for Medium-Range Weather Forecasts and the Protocol on the Privileges and Immunities of the Centre incorporates the amendments in the amending Protocol published in 2006.

CONVENTION ESTABLISHING THE EUROPEAN CENTRE FOR MEDIUM-RANGE WEATHER FORECASTS

The States Parties to this Convention

ACKNOWLEDGING that weather-related threats to life and health, and to economy and property, are increasingly important;

CONVINCED that the improvement of medium-range weather forecasts contributes to the protection and safety of the population;

CONVINCED FURTHER that the scientific and technical research carried out for this purpose provides a valuable stimulus to the development of meteorology in Europe;

CONSIDERING that, to achieve this purpose and these objectives, resources on a scale exceeding those normally practicable at national level are needed;

NOTING the importance for the European economy of a considerable improvement in medium- range weather forecasts;

REAFFIRMING that the establishment of an autonomous European centre with international status is the appropriate means to attain this purpose and these objectives;

CONVINCED that the Centre can make valuable contributions to developing the scientific basis for environmental monitoring;

NOTING that such a centre can also assist in the post-university training of scientists;

ASSURING that the activities of such a centre will, moreover, make a necessary contribution to certain programmes of the World Meteorological Organization (WMO) and to other relevant agencies;

CONSIDERING the importance that the establishment of such a centre can have for the development of European industry in the field of data processing;

REALIZING the will to widen the membership of the Centre to more States;

Have agreed as follows:

ARTICLE 1

Establishment, Council, Member States, Headquarters, Languages

1. A European Centre for Medium-Range Weather Forecasts, hereinafter referred to as “the Centre”, is hereby established.
2. The organs of the Centre shall be the Council and the Director-General. The Council shall be assisted by a Scientific Advisory Committee and a Finance Committee. Each organ and committee shall carry out its functions within the limits and conditions laid down in this Convention.
3. The members of the Centre, hereinafter referred to as “Member States”, shall be the States parties to this Convention.
4. The Centre shall have legal personality in the territory of each Member State. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property and to be party to legal proceedings.
5. The headquarters of the Centre shall be at Shinfield Park near Reading (Berkshire), in the territory of the United Kingdom of Great Britain and Northern Ireland unless otherwise decided by the Council in accordance with Article 6(1)(g).
6. The official languages of the Centre shall be the official languages of the Member States.

Its working languages shall be English, French and German.

The Council shall determine the extent to which the official and working languages shall respectively be used in accordance with Article 6(2)(1).

ARTICLE 2

The purposes, objectives and activities

1. The primary purposes of the Centre are the development of a capability for medium-range weather forecasting and the provision of medium-range weather forecasts to the Member States”.
2. The objectives of the Centre shall be:
 - a) to develop, and operate on a regular basis, global models and data-assimilation systems for the dynamics, thermodynamics and composition of the Earth's fluid envelope and interacting parts of the Earth-system, with a view to;
 - i) preparing forecasts by means of numerical methods;

- ii) providing initial conditions for the forecasts; and
 - iii) contributing to monitoring the relevant parts of the Earth-system;
- b) to carry out scientific and technical research directed towards improving the quality of these forecasts;
 - c) to collect and store appropriate data;
 - d) to make available to the Member States, in the most appropriate form, the results provided for in (a) and (b) and the data referred to in (c);
 - e) to make available to the Member States for their research, priority being given to the field of numerical weather forecasting, a sufficient proportion of its computing capacity, such proportion being determined by the Council;
 - f) to assist in implementing programmes of the World Meteorological Organization;
 - g) to assist in advanced training for the scientific staff of the Member States in the field of numerical weather forecasting.

3. The Centre shall establish and operate the installations necessary for the achievement of the purposes defined in paragraph 1 and the objectives defined in paragraph 2.

4. As a general rule, the Centre shall publish or otherwise make available, under the conditions laid down by the Council, the scientific and technical results of its activities, inasmuch as these results are not covered by Article 15.

5. The Centre may carry out activities requested by third parties that are in line with the purposes and objectives of the Centre and that are approved by the Council in accordance with Article 6(2)(g). The cost of such activities shall be borne by the third party concerned.

6. The Centre may carry out Optional Programmes in accordance with Article 11(3).

ARTICLE 3

Co-operation with other entities

1. In order to attain its objectives, the Centre shall co-operate to the largest extent possible, in accordance with international meteorological traditions, with the Governments and national agencies of the Member States, with States which are

not members of the Centre and with governmental or non-governmental international scientific and technical organizations whose activities are related to its objectives.

2. The Centre may conclude co-operation agreements to that end:
 - a) with States, under the conditions laid down in Article 6(1)(e) or 6(3)(j);
 - b) with the national scientific and technical agencies of the Member States and with the international organizations referred to in paragraph 1, under the conditions laid down in Article 6(3)(j);
 - c) with national scientific and technical agencies of non-Member States under the conditions laid down in Article 6(1)(e).
3. The co-operation agreements referred to in paragraph 2 may make part of the Centre's computing capacity available only to public agencies of the Member States.

ARTICLE 4

The Council

1. The Council shall have the powers and shall adopt the measures necessary to implement this Convention.
2. The Council shall be composed of not more than two representatives from each Member State, one of whom should be a representative of his national meteorological service. These representatives may be assisted at Council meetings by advisers.

A representative of the World Meteorological Organization shall be invited to take part in the work of the Council as an observer.
3. The Council shall elect from among its members a President and a Vice-President who shall be appointed for one year and who may not be re-elected more than twice in succession.
4. The Council shall meet at least once a year. It shall be convened at the request of the President or at the request of at least one third of the Member States. Meetings of the Council shall be held at the headquarters of the Centre unless the Council decides otherwise in exceptional cases.
5. The President and Vice-President may call on the assistance of the Director-General in the performance of their duties.

6. The Council may set up advisory committees and shall determine the composition and duties thereof.

ARTICLE 5

Voting at Council

1. The presence of the representatives of the majority of Member States entitled to vote shall be necessary to constitute a quorum at meetings of the Council.

2. Each Member State shall have one vote in the Council. A Member State shall lose its right to vote in the Council if the amount of its unpaid contributions exceeds the amount of the contributions due from it, under Article 13, for the current financial year and for the preceding financial year. The Council, acting in accordance with Article 6(3)(1), may nevertheless authorize the Member State to vote.

3. Between meetings of the Council, the Council may dispose of any matter which is urgent by means of a postal vote. In such cases, the majority of the Member States entitled to vote shall constitute the quorum.

4. In determining unanimity and the various majorities provided for in this Convention, only votes cast for or against a decision and, in cases where the Council acts in accordance with the procedure laid down in Article 6(2), the financial contributions of the Member States taking part in the vote, shall be taken into account.

ARTICLE 6

Voting majorities

1. The Council, acting unanimously, shall:

- a) fix the ceiling of expenditure for implementing the programme of the activities of the Centre over the five years following the entry into force of this Convention;
- b) decide on the accession of States, in accordance with Article 23, and lay down the conditions for such accessions in accordance with Article 13(3);
- c) decide, in accordance with Article 20, on the withdrawal of membership from a State, that State not participating in the vote on this matter;

- d) decide on the dissolution of the Centre, in accordance with Article 21(1) and (2);
- e) authorise the Director-General to negotiate co-operation agreements with non-Member States and with their national scientific and technical agencies; it may authorise the Director-General to conclude such agreements;
- f) conclude, with one or more of the Member States, in accordance with Article 22 of the Protocol on Privileges and Immunities provided for in Article 16, any additional agreements for the purpose of implementing that Protocol;
- g) decide on any transfer of the ECMWF headquarters, in accordance with Article 1(5).

2. The Council, acting by a majority of two-thirds of the Member States, and provided that the sum of the contributions from these States represents at least two-thirds of the total contributions to the budget of the Centre, shall:

- a) adopt the Financial Regulations of the Centre;
- b) adopt, in accordance with Article 12(3), the annual budget and the table of the staff requirements of the Centre annexed thereto and, if necessary, supplementary or rectifying budgets, and endorse the overall estimate of expenditure and revenue for the next three financial years; if the Council has not yet adopted the budget, it shall authorise the Director-General to incur expenditure and make payments, within a given month, exceeding the limit provided for in the first subparagraph of Article 12(5);
- c) adopt, subject to paragraph 1(a), the programme of the activities of the Centre, in accordance with Article 11(1);
- d) acting on a proposal from the Director-General, take decisions concerning any immovable property and equipment whose acquisition or renting by the Centre involves considerable expenditure;
- e) adopt the Procedure for Optional Programmes in accordance with Article 11(3);
- f) adopt individual Optional Programmes in accordance with Article 11(3);
- g) approve activities requested by third parties in accordance with Article 2(5);

- h) decide on the distribution policy of the Centre's products and other results of its work;
 - i) decide on the measures to be taken in the event of denunciation of this Convention within the meaning of Article 19;
 - j) decide that the Centre shall not be dissolved in the event of denunciation of this Convention within the meaning of Article 21 (1), the denouncing Member States not taking part in the vote on this matter;
 - k) determine, in accordance with Article 21 (3), the conditions for winding up the Centre in the event of its dissolution;
 - l) determine, in accordance with Article 1(6), the extent to which the official and working languages shall respectively be used.
3. The Council, acting by a majority of two-thirds:
- a) shall adopt its Rules of Procedure;
 - b) shall adopt the Staff Regulations and the scale of the staff salaries of the Centre and shall determine the nature of the additional benefits the staff shall enjoy and the rules for granting them; it shall also determine the rights of officials regarding industrial property rights and copyright relating to work done by them in the course of their duties;
 - c) shall approve the agreement to be concluded, in accordance with Article 16, between the Centre and the State in whose territory the headquarters of the Centre are located;
 - d) shall appoint the Director-General of the Centre and his deputy for a period not exceeding five years, their appointments being renewable one or more times, for a period not exceeding five years each time;
 - e) shall determine the number of auditors, the length of their appointment, the amount of their remuneration, and shall appoint them in accordance with Article 14(2);
 - f) may terminate or suspend the appointment of the Director-General or his deputy, account being taken of the provisions of the Staff Regulations which are applicable to them;
 - g) shall approve the Rules of Procedure of the Scientific Advisory Committee in accordance with Article 7(4);
 - h) shall adopt the scale of financial contributions of the Member States in accordance with Article 13(1) and (3), and shall decide to reduce

temporarily the contribution of a Member State because of special circumstances in that State, in accordance with Article 13(2);

- i) shall consider annually the accounts of the previous financial year, together with the balance sheet of the assets and liabilities of the Centre, after taking note of the auditors' report, and shall give a discharge to the Director-General in respect of the implementation of the budget;
- j) shall authorise the Director-General to negotiate co-operation agreements with Member States with their national scientific and technical agencies, and with governmental or non-governmental international scientific and technical organizations whose activities are related to the objectives of the Centre; it may authorise the Director General to conclude such agreements;
- k) shall determine the conditions under which licences granted to the Member States pursuant to Article 15(2) and (3) may be extended to applications other than weather forecasting;
- l) shall decide, in the case provided for in Article 5, 2, that a Member State may retain the right to vote, the Member State in question not taking part in the vote on this matter;
- m) shall recommend to Member States, in accordance with Article 18, amendments to this Convention;
- n) shall determine, in accordance with Article 17 of the Protocol on Privileges and Immunities provided for in Article 16, the categories of staff members to which Articles 13 and 15 of that Protocol shall apply, in whole or in part, and the categories of experts to which Article 14 of that Protocol shall apply;
- o) shall adopt the Long-term Strategy of the Centre in accordance with Article 11(2).

4. When a special majority is not specified, the Council shall act by a simple majority.

ARTICLE 7

The Scientific Advisory Committee

1. The Scientific Advisory Committee shall be composed of twelve members appointed in their personal capacity by the Council for a period of four years. The Committee shall be renewed by one quarter every year. Each member may be appointed for only two terms of office in succession.

A representative of the World Meteorological Organization shall be invited to take part in the work of the Committee.

The members of the Committee shall be selected from among the scientists of the Member States and shall represent as broad a range as possible of the disciplines relating to the activities of the Centre. The Director-General shall submit a list of candidates to the Council.

2. The Committee shall draw up, for submission to the Council, opinions and recommendations on draft programme of the activities of the Centre drawn up by the Director-General and on any matter submitted to it by the Council. The Director-General shall keep the Committee informed concerning the implementation of the programme. The Committee shall give opinions on the results obtained.

3. The Committee may invite experts, in particular persons belonging to services using the Centre, to take part in its work when there are specific problems to be solved.

4. The Committee shall draw up its Rules of Procedure. These Rules of Procedure shall enter into force after approval by the Council acting in accordance with Article 6(3)(g).

ARTICLE 8

The Finance Committee

1. The Finance Committee shall be composed of:

- a) one representative of each of the four Member States paying the highest contributions;
- b) representatives of the other Member States, appointed by them for a period of one year; each of these States may not be represented on the Committee more than twice in succession. The number of these representatives shall be one-fifth of the number of the other Member States.

2. Under the conditions laid down in the Financial Regulations, the Committee shall draw up, for submission to the Council, opinions and recommendations on all financial matters submitted to the Council and shall exercise the financial powers delegated to it by the Council.

ARTICLE 9

The Director-General

1. The Director-General shall be the chief executive officer of the Centre. He shall represent the Centre in dealings with third parties. He shall be responsible to the Council for the execution of the tasks assigned to the Centre. He shall take part, without the right to vote, in all meetings of the Council.

The Council shall appoint the person who is to act as Director-General ad interim.

2. The Director-General shall:

- a) take all measures necessary for the proper functioning of the Centre;
- b) exercise the powers accorded to him under the Staff Regulations, subject to Article 10(4);
- c) submit to the Council the draft programme of the activities of the Centre, together with the opinions and recommendations of the Scientific Advisory Committee and a Long-term Strategy;
- d) prepare and implement the budget of the Centre in accordance with the Financial Regulations;
- e) keep a precise record of all the revenue and expenditure of the Centre in accordance with the Financial Regulations;
- f) submit annually for the approval of the Council, the accounts relating to the implementation of the budget and the balance sheet of assets and liabilities, drawn up in each case in accordance with the Financial Regulations, and the report on the activities of the Centre;
- g) conclude, in accordance with Article 6(1)(e) and Article 6(3)(j), the co-operation agreements necessary for attaining the objectives of the Centre.

3. In carrying out his tasks, the Director-General shall be assisted by the other staff of the Centre.

ARTICLE 10

The Staff

1. Subject to the second subparagraph, the staff of the Centre shall be subject to the Staff Regulations adopted by the Council acting in accordance with Article 6(3)(b).

If the terms of employment of a staff member of the Centre do not fall under these Staff Regulations, they shall be subject to the law applicable in the State in which the person concerned carries out his duties.

2. The recruitment of staff shall be based on personal qualifications, account being taken of the international character of the Centre. No post may be reserved for nationals of a particular Member State.

3. The Centre may employ staff from national agencies of the Member States seconded to the Centre for a specified period.

4. The Council shall approve the appointment and dismissal of officials in the upper grades defined in the Staff Regulations, and of the Financial Controller and his deputy.

5. Disputes arising out of the implementation of the Staff Regulations or the execution of the contracts of employment of the staff shall be settled in accordance with the Staff Regulations.

6. Every person who works at the Centre shall be subject to the authority of the Director-General and shall conform with all the general rules approved by the Council.

7. Each Member State shall be required to respect the international character of the responsibilities of the Director-General and the other officials of the Centre. In the performance of their duties, the Director-General and the other officials shall neither seek nor accept instructions from any Government or authority outside the Centre.

ARTICLE 11

The Programme of Activities, the Long-term Strategy and Optional Programmes

1. The programme of activities of the Centre shall be adopted by the Council acting on a proposal from the Director-General in accordance with Article 6(2)(c).

The programme shall cover, in principle, a four-year period and shall be adapted and supplemented each year for an additional period of one year. It shall fix the ceiling of expenditure for the duration of the programme and shall contain, in addition, an estimate of the expenditure arising out of its implementation in respect of each year and each major category.

The ceiling of expenditure may only be amended in accordance with the procedure laid down in Article 6(2)(c).

2. A Long-term Strategy of the Centre shall be prepared at times and for periods as decided by the Council. Its preparation shall be considered by Council at least every five years. The Long-term Strategy shall contain a view of the Centre's strategic goals and indicate the direction foreseen for the development of the Centre's work for the duration of the Strategy.

The Strategy shall be adopted by the Council acting on a proposal from the Director-General in accordance with Article 6(3)(o).

3. An Optional Programme is a Programme proposed by a Member State or group of Member States in which all Member States participate apart from those that formally declare themselves to be non-participating States and which contributes to the purposes and objectives of the Centre in accordance with Articles 2(1) and 2(2).

- a) The procedure for Optional Programmes shall be adopted by the Council in accordance with Article 6(2)(e);
- b) Individual Optional Programmes shall be adopted by the Council in accordance with Article 6(2)(f).

ARTICLE 12

The Budget

1. The budget of the Centre shall be drawn up for each financial year before the beginning of that year, under the conditions laid down in the Financial Regulations.

The expenditure of the Centre shall be met from the financial contributions of the Member States and any other revenue of the Centre.

The revenue and expenditure shown in the budget shall be in balance. The budget shall be drawn up in the currency of the State in which the headquarters of the Centre are located.

2. All expenditure and revenue of the Centre shall be the subject of detailed estimates to be drawn up for each financial year and shall be shown in the budget.

Commitment appropriations relating to a period extending beyond the financial year may be authorized under the conditions laid down in the Financial Regulations.

In addition, an overall estimate of expenditure and revenue in each major category for the next three financial years shall be drawn up.

3. The Council, acting in accordance with Article 6(2)(b), shall adopt the budget for each financial year and the table of the posts of the Centre annexed thereto and

any supplementary or rectifying budgets and endorse the overall estimate of expenditure and revenue for the next three financial years.

4. The adoption of the budget by the Council shall:
 - a) oblige each Member State to make available to the Centre the financial contributions determined in the budget;
 - b) authorise the Director-General to enter into commitments and make payments within the limits of the appropriations authorised for these purposes.

5. If the budget has not been adopted by the Council by the beginning of a financial year, the Director-General may, each month, enter into commitments and make payments in each chapter up to one twelfth of the appropriations in the budget of the preceding financial year, provided that he shall not have at his disposal appropriations in excess of one-twelfth of those provided for in the draft budget.

Member States shall pay each month, on a provisional basis and in accordance with the scale provided for in Article 13, the amounts necessary for the application of the first subparagraph.

6. The budget shall be implemented under the conditions laid down in the Financial Regulations.

ARTICLE 13

The Contributions of Member States

1. Each Member State shall pay an annual contribution to the Centre, in convertible currency, based on the scale which shall be adopted every three years by the Council acting in accordance with Article 6(3)(h). This scale shall be based on the average gross national income of each Member State over the last three calendar years for which there are statistics.

2. The Council, acting in accordance with Article 6(3)(h), may decide to reduce temporarily the contribution of a Member State because of special circumstances in that State. Special circumstances shall in particular be considered to exist where a Member State has a per capita gross national income lower than an amount which shall be determined by the Council acting in accordance with the procedure laid down in Article 6(3).

3. If, after the entry into force of this Convention, a State becomes a party to this Convention, the scale of contributions shall be modified by the Council according to the basis for calculation laid down in paragraph 1. The new scale shall take effect when the State concerned becomes a party to this Convention.

A State which becomes a party to this Convention after 31 December of the year during which it enters into force shall be required to pay, in addition to the contribution laid down in paragraph 1, a single additional contribution to the expenditure previously incurred by the Centre. The amount of this additional contribution shall be determined by the Council, acting in accordance with the procedure laid down in Article 6(1).

Unless the Council decides otherwise, acting in accordance with the procedure laid down in Article 6(1), any additional contribution paid pursuant to the second subparagraph shall be deducted from the contributions of the other Member States. This reduction shall be calculated on a pro rata basis according to the contributions actually paid by each Member State prior to the current financial year.

4. If, after the entry into force of this Convention, a State ceases to be a party to this Convention, the scale of contributions shall be modified by the Council according to the basis for calculation laid down in paragraph 1. The new scale shall take effect when the State concerned ceases to be a party to this Convention.

5. The methods of payment of the contributions shall be determined in the Financial Regulations.

ARTICLE 14

The Audit

1. The accounts of all revenue and expenditure shown in the budget and the balance sheet of the assets and liabilities of the Centre shall, under the conditions laid down in the Financial Regulations, be submitted for audit to auditors whose independence is beyond doubt. The purpose of the audit, which shall be based on records and if necessary performed on the spot, shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management of the Centre has been sound. The auditors shall submit a report on the annual accounts to the Council.

2. The Council, acting on a proposal from the Finance Committee in accordance with Article 6(3)(e), shall determine the number of auditors, the length of their appointment, the amount of their remuneration, and shall appoint them.

3. The Director-General shall give the auditors any information and assistance needed for the audit referred to in paragraph 1.

ARTICLE 15

Property rights and licences

1. ECMWF shall have world-wide exclusive ownership of all its products and other results of its activities.
2. Each Member State shall be granted, free of charge, for its own requirements in the field of weather forecasting, a non-exclusive licence and any other non-exclusive right of use, in respect of industrial property rights, computer programs and technological information which result from work carried out pursuant to this Convention and which belong to the Centre.
3. Where the Centre does not possess the rights referred to in paragraph 2, it shall attempt to obtain the necessary rights, under the conditions determined by the Council.
4. The conditions under which the licences referred to in paragraph 2 may be extended to applications other than weather forecasting shall be the subject of a decision of the Council acting in accordance with Article 6(3)(k).

ARTICLE 16

Privileges and immunities, and liabilities

The privileges and immunities which the Centre, the representatives of the Member States, the staff and the experts of the Centre enjoy in the territories of the Member States shall be determined in a protocol which shall be annexed to this Convention and which shall form an integral part thereof, and in an agreement¹ to be concluded between the Centre and the State in whose territory the headquarters of the Centre are located. This agreement shall be approved by the Council acting in accordance with Article 6(3)(c).

ARTICLE 17

Disputes

1. Any dispute between Member States or between one or more Member States and the Centre concerning the interpretation of application of this Convention, including the Protocol on the Privileges and Immunities provided for in Article 16 or relating to one of the cases provided for in Article 24 of that Protocol, which cannot be settled by the good offices of the Council shall, on a request made by one party to the dispute to the other, be referred to an arbitration tribunal, set up in

¹ Miscellaneous Series No. 1 (1976) Cmnd 6368

accordance with the first subparagraph of paragraph 2, unless the parties to the dispute agree within three months on another form of settlement.

2. Each party to the dispute, whether constituted by one or more Member States, shall appoint one member of the arbitration tribunal within two months from the date on which the request referred to in paragraph 1 is received. These members shall, within two months of the appointment of the second member, appoint a third member who shall be the chairman of the tribunal, and who shall not be a national of a State which is a party to the dispute. If the appointment of any of the three members of the tribunal has not been made within the prescribed period, it shall be made by the President of the International Court of Justice at the request of one of the parties.

The arbitration tribunal shall take decisions by a majority. Its decisions shall bind the parties to the dispute. Each party shall bear the costs of the member of the tribunal appointed by it and those relating to its representation at proceedings before the tribunal. Each party to the dispute shall bear an equal share of the costs relating to the chairman of the tribunal and any other expenses, unless the tribunal decides otherwise. The tribunal shall determine its other rules of procedure.

ARTICLE 18

Amendments to the Convention

1. Each Member State may transmit proposals for amending this Convention to the Director-General. The Director-General shall submit such proposals to the other Member States at least three months before they are to be examined by the Council. The Council shall examine the proposals and may, acting in accordance with Article 6(3)(m), recommend the Member States to accept the proposed amendments.

2. Amendments recommended by the Council may only be accepted by the Member States in writing. They shall enter into force thirty days after receipt by the Secretary-General of the Council of the European Union of the last written notification of acceptance.

ARTICLE 19

Denunciation of the Convention

1. Any Member State may denounce this Convention after it has been in force for five years by giving notice to the Secretary-General of the Council of the European Union. Denunciation shall take effect at the end of the second financial year following the year during which notice is given.

2. A Member State which has denounced this Convention shall remain bound to contribute towards financing all commitments entered into by the Centre before such denunciation takes effect and to respect the obligations which it contracted itself as a Member State vis-à-vis the Centre before the denunciation takes effect.

3. A Member State which has denounced this Convention shall lose its rights to the assets of the Centre and must indemnify the Centre, under the conditions laid down by the Council acting in accordance with Article 6(2)(i), for any loss for the Centre of property in the territory of such a State, unless a special agreement is concluded guaranteeing the Centre the use of such property.

ARTICLE 20

Non-fulfilment of obligations

Any Member State which does not fulfil its obligations under this Convention may be deprived of its membership by a decision of the Council acting in accordance with Article 6(1)(c). In such an event Article 19(2) and (3), shall be applicable mutatis mutandis.

ARTICLE 21

Dissolution of the Centre

1. Unless the Council acting in accordance with Article 6(2)(j), decides otherwise, the Centre shall be dissolved if denunciation of this Convention by one or more Member State results in the levels of contributions of the other Member States being increased by one-fifth over their initial levels.

2. In addition the case referred to in paragraph 1, the Centre may be dissolved at any time by the Council acting in accordance with Article 6(1)(d).

3. In the event of dissolution of the Centre, the Council shall appoint a liquidator.

Unless the Council acting in accordance with Article 6(2)(j), decides otherwise, any surplus shall be distributed among the Member States at the time of dissolution on a pro rata basis according to the contributions actually paid by them during the time in which they have been parties to this Convention.

Any deficit shall be met by the Member States on a pro rata basis according to their contributions fixed for the current financial year.

ARTICLE 22

Entry into force

1. This Convention shall be open for signature by the European States mentioned in the Annex until 11 April 1974 at the General Secretariat of the Council of the European Communities.

It shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited in the archives of the General Secretariat of the Council of the European Communities.

2. This Convention shall enter into force² on the first day of the second month following the date of its ratification, acceptance or approval by no less than two-thirds of the signatory States, including the State in whose territory the headquarters of the Centre are located, provided that the total contributions by these States amounts to at least 80 per cent of the total contributions in accordance with the scale contained in the Annex.

For any other signatory State, this Convention shall enter into force on the first day of the second month following the date of the deposit of its instrument of ratification, acceptance or approval.

ARTICLE 23

Accession of States

1. After the entry into force of this Convention, any State which is not a Signatory may accede to this Convention, subject to the consent of the Council acting in accordance with Article 6(1)(b). A State that wishes to accede to this Convention shall notify the Director-General accordingly and the latter shall inform the Member States of the request at least three months before it is submitted to the Council for decision. The Council shall determine the terms and conditions for the accession of the State in question, in conformity with Article 6(1)(b).

2. Instruments of accession shall be deposited in the archives of the General Secretariat of the Council of the European Union. For each acceding State, this Convention shall enter into force on the first day of the second month following the deposit of its instrument of accession.

² The Convention entered into force into force on 1 November 1975.

ARTICLE 24

Notification of signatures and related matters

The Secretary-General of the Council of the European Union shall notify the signatory and acceding States of:

- a) any signature to this Convention;
- b) the deposit of all instruments of ratification, acceptance, approval of accession;
- c) the entry into force of this Convention;
- d) any written notification of acceptance of an amendment to this Convention;
- e) the adoption and entry into force of any amendment;
- f) any denunciation of this Convention or loss of membership of the Centre.

As soon as this Convention enters into force and any amendments to it enter into force, the Secretary-General of the Council of the European Union shall register them with the General Secretariat of the United Nations, in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 25

The first Financial Year

1. The first financial year shall run from the entry into force of this Convention until 31 December following. In the event of this period beginning during the second half of a calendar year, it shall run until 31 December of the following year.
2. States which have signed this Convention but have not ratified, accepted or approved it may be represented at meetings of the Council and take part in its work without the right to vote for a period of twelve months after the entry into force of this Convention. This period may be extended for a further period of six months by the Council, acting in accordance with the procedure laid down in Article 6(3).
3. At its first meeting the Scientific Advisory Committee shall determine, by drawing lots, the nine members of the Committee whose terms of office shall expire, in accordance with the first subparagraph of Article 7(1), at the end of the first, second and third years of operation of the Committee.

ARTICLE 26

Deposit of Convention

This Convention, and all amendments to it, drawn up in a single original in Dutch, English, French, German, Italian, Danish, Finnish, Irish, Greek, Norwegian, Portuguese, Spanish, Swedish and Turkish, all texts³ being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union, which shall transmit a certified copy to the Government of each signatory or acceding State.

In witness whereof the undersigned Plenipotentiaries have signed this Convention.

Done at Brussels on this eleventh day of October in the year one thousand nine hundred and seventy-three.

[For signatures, ratifications, acceptances and approvals see page 33]

³ Published in the United Nations Treaty Series, available from Her Majesty's Stationery Office.

ANNEX

PROVISIONAL SCALE OF CONTRIBUTIONS

The scale given below is intended exclusively for the purposes of implementing Article 22(2), of the Convention. It in no way prejudices any decisions to be taken by the Council pursuant to Article 13(1), of the Convention, concerning future scales of contributions.

Countries which took part in the drafting of the Convention:

| | Percentage |
|-----------------------------|------------|
| Belgium | 3.25 |
| Denmark | 1.98 |
| Federal Republic of Germany | 21.12 |
| Spain | 4.16 |
| France | 19.75 |
| Greece | 1.18 |
| Ireland | 0.50 |
| Italy | 11.75 |
| Yugoslavia | 1.65 |
| Luxembourg | 0.12 |
| Netherlands | 3.92 |
| Norway | 1.40 |
| Austria | 1.81 |
| Portugal | 0.79 |
| Switzerland | 2.63 |
| Finland | 1.33 |
| Sweden | 4.19 |
| Turkey | 1.81 |
| United Kingdom | 16.66 |

**PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE
EUROPEAN CENTRE FOR MEDIUM-RANGE WEATHER FORECASTS.**

The States parties to the Convention establishing the European Centre for Medium-Range Weather Forecasts, signed at Brussels on 11 October 1973,

Wishing to define the privileges and immunities necessary for the proper functioning of this Centre,

Have agreed as follows:

ARTICLE 1

1. Subject to the provisions of this Protocol, the premises of the Centre shall be inviolable.
2. The authorities of the State in which the headquarters of the Centre are located may not enter the premises of the Centre except with the consent of the Director-General or person nominated by him. In case of fire or other disaster requiring prompt preventive action, the consent of the Director-General may be assumed.
3. The Centre shall prevent its premises from becoming a refuge for persons seeking to avoid arrest or service of legal papers.

ARTICLE 2

The archives of the Centre shall be inviolable.

ARTICLE 3

1. Within the scope of its official activities, the Centre shall have immunity from jurisdiction and execution except:
 - a) to the extent that, by decision of the Council, the Centre waives it in a particular case. However, the Centre shall be deemed to have waived this immunity if, upon receiving a request to waive immunity submitted by the national authority before which the case is brought or by the opposing party, it has not given notice, within fifteen days after receipt of the request, that it does not waive such immunity;
 - b) in respect of a civil action by a third party for damage arising from an accident caused by a vehicle belonging to or operated on behalf of the Centre or in respect of a traffic offence;

- c) in respect of an enforcement of an arbitration award made either under Article 23 of this Protocol or Article 17 of the Convention establishing the Centre, hereinafter referred to as “the Convention”;
- d) in the event of the attachment, pursuant to a decision by the administrative or judicial authorities, of the salaries, wages and emoluments owed by the Centre to a member of its staff.

2. In any dispute involving a staff member or an expert of the Centre for whom immunity from jurisdiction is claimed under Article 13 or Article 14, the responsibility of the Centre shall be substituted for that of the staff member or expert concerned.

3. Subject to paragraph 1, the Centre's property and assets wherever situated shall be immune from any form of administrative or provisional judicial constraint such as requisition, confiscation, expropriation or attachment, except in so far as may be temporarily necessary in connection with the prevention of and investigation into accidents involving vehicles belonging to or operated on behalf of the Centre.

ARTICLE 4

1. Within the scope of its official activities, the Centre and its property and income shall be exempt from all direct taxes.

2. When the Centre makes purchases of substantial value or uses services of substantial value which are strictly necessary of the exercise of its official activities and when the price of such purchases or services includes duties or taxes, the Member State which has levied the duties and taxes shall take appropriate measures to remit or reimburse the amount of the identifiable duties and taxes.

3. No exemption shall be accorded in respect of duties and taxes which are no more than payments for public utility services.

ARTICLE 5

Goods imported or exported by the Centre and strictly necessary for the exercise of its official activities shall be exempt from all customs duties, taxes and all customs charges except those charges which are no more than payments for services. Such goods shall also be exempt from all prohibitions and restrictions on import and export. The Member States shall take all appropriate steps within their respective powers to effect customs clearance with the minimum of delay for such goods.

ARTICLE 6

No exemption shall be accorded under Article 4 or Article 5 in respect of goods purchased and imported for the personal needs of the staff members of the Centre or of experts within the meaning of Article 14.

ARTICLE 7

Goods acquired under Article 4 or imported under Article 5 may not be sold, given away or hired out except in accordance with the conditions laid down by the regulations of the State which has granted the exemptions.

ARTICLE 8

1. The Centre may receive and hold any kind of funds or currency. It may dispose of them freely for the exercise of its official activities and may hold accounts in any currency to the extent required to meet its obligations.
2. Within the scope of its official activities and without prejudice to paragraph 1, the Centre may also receive, hold and dispose of securities, subject to any provisions concerning exchange regulations which are applicable to other inter-governmental organisations in the Member State concerned.

ARTICLE 9

The circulation of publications and other information material sent by or to the Centre within the scope of its official activities shall not be restricted in any way.

ARTICLE 10

1. With regard to the transmission of data within the scope of its official activities, the Centre shall enjoy, in the territory of each Member State, treatment as favourable as that accorded by that State to its national meteorological service, taking into account the international obligations of that State in respect of telecommunications.
2. With regard to its official communications and the transfer of all its documents, the Centre shall enjoy treatment as favourable as that accorded by each Member State to other international organisations, taking into account the international obligations of that State in respect of telecommunications.
3. No censorship shall be applied to official communications of the Centre by whatever means of communication.

ARTICLE 11

Member States shall take all appropriate measures to facilitate the entry, stay and departure of representatives of Member States, staff members of the Centre and experts within the meaning of Article 14.

ARTICLE 12

Representatives of Member States taking part in the work of the organs and committees of the Centre shall enjoy, while performing their duties and in the course of their journeys to and from the place of meeting, the following privileges, immunities and facilities:

- a) immunity from arrest and detention and from seizure of their personal luggage, except when found committing, attempting to commit, or just having committed an offence;
- b) immunity from jurisdiction, even after the termination of their mission, in respect of acts, including words spoken or written, performed by them in their official capacity and within the limits of their authority; this immunity shall not apply in the case of a traffic offence committed by a representative of a Member State nor in the case of damage caused by a vehicle belonging to or driven by such a person;
- c) inviolability for all their official papers and documents;
- d) exemption from all measures restricting aliens' entry and from aliens' registration formalities;
- e) the same customs facilities as regards their personal luggage and the same privileges in respect of currency and exchange regulations as are accorded to the representatives of foreign Governments on temporary official missions.

ARTICLE 13

The staff members of the Centre shall enjoy, within the limits provided for in this Protocol, the following privileges, immunities and facilities:

- a) immunity from jurisdiction, even after they have left the service of the Centre, in respect of acts, including words spoken or written, performed by them in their official capacity and within the limits of their authority; this immunity shall not apply in the case of a traffic offence committed by a staff member, nor in the case of damage caused by a vehicle belonging to or driven by such a person;

- b) exemption from all obligations in respect of military service;
- c) inviolability for all their official papers and documents;
- d) together with members of their families forming part of their households, the same exceptions regarding measures restricting immigration and governing aliens' registration as are normally accorded to staff members of international organisations;
- e) the same privileges in respect of monetary and exchange regulations as are normally accorded to staff members of international organisations;
- f) together with members of their families forming part of their households, the same facilities as regards repatriations in time of international crisis as are normally accorded to staff members of international organisations;
- g) the right to import free of duty furniture and personal effects at the time of taking up a post for a period of at least one year in the State concerned and the right on the termination of their functions in the said State to export free of duty furniture and personal effects, subject in both cases to the conditions considered necessary by the Government of the State in whose territory the right is exercised and with the exception of property acquired in that State and subject to an export prohibition therein.

ARTICLE 14

Experts who are not staff members and who perform duties at the Centre or who carry out missions on its behalf, shall enjoy, while performing their duties or while on missions and during journeys made in the course of such duties or missions, the following privileges, immunities and facilities to the extent that they are necessary for the performance of their duties or for the accomplishment of their missions.

- a) immunity from jurisdiction, even after they have left service of the Centre, in respect of acts, including words spoken and written, performed by them in their capacity as experts and within the limits of their authority; this immunity shall not apply in the case of a traffic offence committed by an expert nor in the case of damage caused by a vehicle belonging to or driven by such a person;
- b) inviolability for all their official papers and documents;
- c) the same customs facilities as regards their personal luggage and the same privileges in respect of currency and exchange regulations as are

accorded to persons sent by foreign Governments on temporary official missions.

ARTICLE 15

1. Subject to the conditions and following the procedure laid down by the Council acting in accordance with the procedure laid down in Article 6(2) of the Convention within a period of one year after the Convention's entry into force, the staff members of the Centre shall, within the limits provided for in this Protocol, be subject to a tax for the benefit of the Centre on salaries, wages and emoluments paid by the Centre. From the date on which this tax is applied such salaries, wages and emoluments shall be exempt from national income tax, the Member States retaining the right to take such salaries, wages and emoluments into account when assessing the amount of taxation to be applied to income from other sources.

2. Paragraph 1 shall not apply to pensions and similar payments paid by the Centre.

ARTICLE 16

No Member State shall be obliged to accord the privileges, immunities and facilities referred to in Article 12, Article 13(b), (e), (f) and (g) and Article 14(c) to its representatives, its nationals or persons who, at the time of taking up their duties at the Centre, are permanent residents of that State.

ARTICLE 17

The Council, acting in accordance with the procedure laid down in Article 6(3)(o) of the Convention, shall determine the categories of staff members to which Articles 13 and 15 shall apply in whole or in part and the categories of experts to which Article 14 shall apply. The names, titles and addresses of persons included in such categories shall be communicated periodically to the Member States.

ARTICLE 18

If the Centre establishes its own social security scheme or joins that of another international organisation under the conditions laid down in the Staff Regulations, the Centre and its staff members shall be exempt from all compulsory contributions to national social security schemes, subject to agreements to be concluded to that end with the Member States concerned under the conditions laid down in Article 22.

ARTICLE 19

1. The privileges, immunities and facilities provided for in this Protocol are granted solely in the interests of the Centre and of the Member States, and not for the personal advantage of those enjoying them.
2. The competent authorities have not only the right but also the duty to waive an immunity where such immunity is impeding the course of justice and where it can be waived without prejudicing the purposes for which it was accorded.
3. The competent authorities referred to in paragraph 2 are:
 - the Member States, in the case of their representatives;
 - the Council, in case of the Director-General;
 - the Director-General, in the case of the other staff members and experts within the meaning of Article 14.

ARTICLE 20

1. The Centre shall co-operate at all times with the competent authorities of the Member States in order to facilitate the proper administration of justice, to ensure the observance of police regulations and regulations concerning public health and labour inspection and similar legislation, and to prevent any abuse of the privileges, immunities and facilities provided for in this Protocol.
2. The co-operation procedures may be defined in the supplementary agreements provided for in Article 22.

ARTICLE 21

The provisions of this Protocol shall not prejudice the right of each Member State to take all precautionary measures necessary in the interests of its security.

ARTICLE 22

The Centre may, on decision by the Council acting unanimously, conclude supplementary agreements with any Member State to implement this Protocol and may make any other arrangements to ensure the smooth running of the Centre and the safeguarding of its interests.

ARTICLE 23

1. The Centre shall be obliged in all written contracts - other than those concluded in accordance with the Staff Regulations - into which it enters and relating to matters in which it enjoys immunity from jurisdiction, to include an arbitration clause whereby any dispute arising out of the interpretation or execution of the contract shall, at the request of either party, be submitted to arbitration.
2. The Centre shall be obliged to submit to arbitration, at the request of the injured party, by means of a compromis any other dispute arising out of loss or damage caused by the Centre to persons or property.
3. The arbitration clause or the compromis shall specify the method of appointing the arbitrators and the third arbitrator, the law applicable and the country where the arbitrators shall sit. The procedure of the arbitration shall be that of that country.
4. The enforcement of the arbitration award shall be governed by the rules in force in the State in which the award is to be enforced.

ARTICLE 24

1. Any Member State may submit to the arbitration tribunal provided for in Article 17 of the Convention any dispute:
 - arising out of damage caused by the Centre;
 - involving any other non-contractual liability of the Centre; or
 - involving a staff member or an expert of the Centre and in which the person concerned can claim immunity from jurisdiction under Article 13 or Article 14, if this immunity is not waived in accordance with Article 19.
2. If a Member State intends to submit a dispute to arbitration it shall notify the Director-General who shall forth-with inform each Member State of such notification.
3. The procedure laid down in paragraph 1 shall not apply to dispute between the Centre and staff members in respect of their conditions of service.
4. No appeal shall lie against the award of the arbitration tribunal, which shall be final; it shall be binding on the parties. In case of dispute concerning the import or scope of the award, it shall be incumbent upon the arbitration tribunal to interpret it at the request of either party.

ARTICLE 25

For the purposes of this Protocol:

- a) “official activities of the Centre” shall include its administration and its activities carried out in pursuance of its objectives as defined in Article 2 of the Convention;
- b) “staff members” shall include the Director-General of the Centre.

ARTICLE 26

This Protocol shall be interpreted in the light of its primary objective of enabling the Centre fully and efficiently to fulfil its objectives and carry out the functions assigned to it by the Convention.

SIGNATURES, RATIFICATIONS, ACCEPTANCES AND APPROVALS OF CONVENTION AND PROTOCOL (AS AT 18 MAY 2011)

| <i>State</i> | <i>Signature of Convention and Protocol</i> | <i>Date of Deposit of instruments of ratification, acceptance or approval</i> |
|------------------------------|---|---|
| Austria | 22 January 1974 | 28 October 1975 |
| Belgium | 11 October 1973 | 29 July 1975 |
| Denmark | 11 October 1973 | 19 June 1974 |
| Finland | 11 October 1973 | 22 July 1975 |
| France | 11 October 1973 | 22 August 1975 |
| Germany, Federal Republic of | 11 October 1973 | 29 September 1975 |
| Greece | 11 October 1973 | 20 July 1976 |
| Ireland, Republic of | 11 October 1973 | 31 January 1975 |
| Italy | 11 October 1973 | 01 September 1977 (Entry into Force date) |
| Netherlands | 11 October 1973 | 26 September 1974 |
| Portugal | 11 October 1973 | 26 November 1975 |
| Spain | 11 October 1973 | 21 October 1974 |
| Sweden | 11 October 1973 | 14 August 1974 |
| Switzerland | 11 October 1973 | 24 April 1974 |
| Turkey | | 16 March 1976 (Accession) |
| United Kingdom | 11 October 1973 | 18 July 1975 |
| Yugoslavia | 11 October 1973 | 2 April 1975 |



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