



Miscellaneous No. 5 (2015)

Protocol

of accession of the Government of the Russian Federation to the
Convention of 16 December 1988 Concerning the Construction and
Operation of the "European Synchrotron Radiation Facility"

Grenoble, 23 June 2014 and Paris 15 July 2014

[The Protocol is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 2015*



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**PROTOCOL OF ACCESSION OF THE GOVERNMENT OF THE
RUSSIAN FEDERATION TO THE CONVENTION OF 16 DECEMBER
1988 CONCERNING THE CONSTRUCTION AND OPERATION OF THE
"EUROPEAN SYNCHROTRON RADIATION FACILITY"**

The Government of the Kingdom of Belgium,

The Government of the Kingdom of Denmark,

The Government of the Republic of Finland,

The Government of the French Republic,

The Government of the Federal Republic of Germany,

The Government of the Italian Republic,

The Government of the Kingdom of the Netherlands,

The Government of the Kingdom of Norway,

The Government of the Kingdom of Spain,

The Government of the Kingdom of Sweden,

The Government of the Swiss Confederation

The Government of the United Kingdom of Great Britain and Northern Ireland,

hereinafter referred to as the 'Contracting Parties', which signed the Convention concerning the construction and operation of the "European Synchrotron Radiation Facility" on 16 December 1988 in Paris (except for the Government of the Kingdom of the Netherlands, which signed on 9 December 1991), hereinafter referred to as the Convention,

on the one hand,

and the Government of the Russian Federation,

on the other hand,

Considering that the 'Contracting Parties', as expressed in the preamble to the Convention, hope that other European countries shall participate in the activities which they intend to undertake together under this Convention,

Considering that the Council of the “European Synchrotron Radiation Facility” Company (hereinafter referred to as the Company) unanimously agreed in October 2011, in accordance with the Convention, to invite the Russian Federation to accede to the Convention on the same terms as the Contracting Parties,

Considering that the Council of the Company, in accordance with Article 12 of the Convention, unanimously adopted a resolution on 18 June 2012 on the possibility of offering the Russian Federation 6 per cent ownership of the Company and accepting a one-time contribution of ten million Euro (10,000,000 Euro) from the Russian Federation as compensation towards construction costs,

Considering that 6 per cent ownership of the Company corresponds to an annual contribution to the Company’s budget of five million two hundred sixty-one thousand Euro (5,261,000 Euro) in 2012 prices,

Have agreed as follows:

ARTICLE 1

In accordance with Article 12 of the Convention, the Government of the Russian Federation shall accede to the Convention as a Contracting Party by the acquisition of 6 per cent of the Company’s shares, corresponding to 6 per cent ownership of the Company.

ARTICLE 2

The Government of the Russian Federation shall make a one-time contribution of ten million Euro (10,000,000 Euro) exclusive of value added tax as compensation towards construction costs, to be dedicated to modernization and strengthening of the scientific capabilities of the Company. This contribution shall be made within one year following the date of signature of the present Protocol.

ARTICLE 3

The Convention shall be amended as follows:

- 1) The preamble shall read as follows:

“The Government of the Kingdom of Belgium,

The Government of the Kingdom of Denmark,

The Government of the Republic of Finland,

The Government of the French Republic,

The Government of the Federal Republic of Germany,

The Government of the Italian Republic,

The Government of the Kingdom of the Netherlands,

The Government of the Kingdom of Norway,

The Government of the Russian Federation,

The Government of the Kingdom of Spain,

The Government of the Kingdom of Sweden,

The Government of the Swiss Confederation and

The Government of the United Kingdom of Great Britain and Northern Ireland,

Hereinafter referred to as ‘Contracting Parties’,

It being agreed that the Governments of the Kingdom of Denmark, the Republic of Finland, the Kingdom of Norway and the Kingdom of Sweden shall act jointly as one single Contracting Party;

And it being agreed that the Governments of the Kingdom of Belgium and of the Kingdom of the Netherlands shall act jointly as one single Contracting Party;

Recognizing that the Government of the Russian Federation acceded to the present Convention as a new Contracting Party according to the Protocol of Accession signed on 23 June 2014 and 15 July 2014;

Desiring to consolidate further Europe’s position in the world, and to intensify scientific co-operation across disciplinary and national boundaries;

Recognizing that synchrotron radiation will in the future be of great significance in many different fields and industrial applications;

In the hope that other European countries shall participate in the activities which they intend to undertake together under this Convention;

Building on the successful co-operation of European scientists in the framework of the European Science Foundation and the preparatory work carried out under its auspices and under the Memorandum of Understanding agreed in Brussels on 10 December 1985 and having regard to the Protocol dated 22 December 1987;

Having decided to promote the construction and operation of the European synchrotron radiation facility housing a high performance source of X-rays for the use of their scientific community;

Have agreed as follows:”

2) Article 6 (3) shall read as follows:

“3. Company Members shall contribute to operating costs exclusive of value added tax in the following proportions:

27.5 per cent for Members from the French Republic (including a site premium of 2 per cent);

24 per cent for Members from the Federal Republic of Germany;

13.2 per cent for Members from the Italian Republic;

10.5 per cent for Members from the United Kingdom of Great Britain and Northern Ireland,

6 per cent for Members from the Russian Federation;

5.8 per cent for Members from the Kingdom of Belgium and from the Kingdom of the Netherlands;

5 per cent for Members from the Kingdom of Denmark, from the Republic of Finland, from the Kingdom of Norway and from the Kingdom of Sweden;

4 per cent for Members from the Kingdom of Spain;

4 per cent for Members from the Swiss Confederation.

Increases in contributions from Contracting Parties or contributions from Governments acceding to this Convention in accordance with Article 12 shall be applied to reduce the contribution of the Members from the French Republic to 26 per cent, and after this level is reached, to reduce the contributions of Members from each of the Contracting Parties by an amount proportional to their current contribution, except that the contribution of Members from any of the Contracting Parties shall not be reduced below 4 per cent.”.

ARTICLE 4

The Statutes of the “European Synchrotron Radiation Facility” Company (Annex 1 to the Convention) shall be amended in accordance with the present Protocol.

ARTICLE 5

The present Protocol shall enter into force one month after all the signatory Contracting Parties and the Government of the Russian Federation have informed the Government of the French Republic, as the depositary of the Convention, that they have performed the internal procedures required for enactment of the present Protocol.

Done at Grenoble on 23 June 2014 and at Paris on 15 July 2014, in the Dutch, English, French, German, Italian, Russian and Spanish languages in a single original, each of these texts being equally authentic.

The original copy of the Protocol shall be deposited with the Government of the French Republic, which shall send a certified copy to each of the Contracting Parties and to the Government of the Russian Federation.

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