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**No. 15**

**Convention Establishing a European Organisation  
For Astronomical Research in the Southern Hemisphere**

Done at Paris on 5 October 1962

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Entered into force with respect to Ireland on 28 September 2018

## CONVENTION ESTABLISHING A EUROPEAN ORGANISATION FOR ASTRONOMICAL RESEARCH IN THE SOUTHERN HEMISPHERE

THE GOVERNMENT OF THE STATES parties to this Convention,

CONSIDERING:

That the study of the southern celestial hemisphere is much less advanced than that of the northern hemisphere,

That, as a result, the data on which the knowledge of the galaxy is based are far from having the same value in the different parts of the sky and that it is essential to improve and supplement them in all instances where they are inadequate,

That, in particular, it is deeply regrettable that systems with no equivalent in the northern hemisphere are almost inaccessible to the largest instruments currently in use,

That it is therefore urgent to install powerful instruments in the southern hemisphere comparable to those in the northern hemisphere, but that such a project can only be accomplished through international co-operation,

DESIROUS of jointly creating an observatory equipped with powerful instruments in the southern hemisphere and thereby promoting and organizing co-operation in astronomical research,

AGREE TO THE FOLLOWING PROVISIONS:

### Article I

#### *Establishment of the Organisation*

1. This Convention hereby establishes a European Organisation for Astronomical Research in the Southern Hemisphere, hereinafter called the Organisation.
2. The headquarters of the Organisation shall be provisionally established in Brussels. The final location of the headquarters shall be determined by the Council established in accordance with the provisions of Article IV.

### Article II

#### *Purposes*

1. The purpose of the Organisation shall be to build, fit out and operate an astronomical observatory situated in the southern hemisphere.
2. The initial programme of the Organisation shall comprise the construction, installation and operation of an observatory in the southern hemisphere, consisting of:
  - a) a telescope with an aperture of about 3 metres;
  - b) a Schmidt telescope with an aperture of about 1.20 metres;
  - c) not more than three telescopes with a maximum aperture of 1 metre;

- d) a meridian circle;
- e) the auxiliary equipment needed to carry out research programmes with the instruments listed in a, b, c and d above;
- f) the buildings needed to house the equipment listed in sub-paragraphs a, b, c, d and e above, as well as the administration of the observatory and the accommodation of personnel.

3. Any supplementary programme shall be submitted to the Council established under Article IV of this Convention, and shall be approved by this Council by a two-thirds majority of the Member States of the Organisation. States which have not approved the supplementary programme shall not be required to contribute to its implementation.

4. The Member States shall facilitate the exchange of persons and of scientific and technical information necessary for carrying out the programmes in which they participate.

### *Article III Members*

- 1. The States parties to this Convention shall be members of the Organisation.
- 2. The admission of other States to the Organisation shall be in accordance with the procedure set forth in Article XIII, paragraph 4.

### *Article IV Organs*

The Organisation shall consist of the Council and the Director.

### *Article V The Council*

- 1. The Council shall be composed of two delegates from each of the Member States, at least one of whom shall be an astronomer. The delegates may be assisted by experts.
- 2. The Council:
  - a) determines the policy of the Organisation with respect to scientific, technical and administrative matters;
  - b) approves the budget by a two-thirds majority of the Member States and determines financial arrangements in accordance with the Financial Protocol annexed to this Convention;
  - c) supervises expenditure, approves and publishes the audited annual accounts of the Organisation;
  - d) decides on the composition of the personnel and approves the recruitment of the Organisation's senior personnel;
  - e) publishes an annual report;
  - f) approves the internal rules of the observatory proposed by the Director;

- g) is vested with the authority to take the measures necessary for the functioning of the Organisation.
3. The Council shall meet at least once a year. It shall decide on the venue of its meetings.
  4. Each Member State shall have one vote in the Council. However, a Member State may not vote on the implementation of a programme other than the initial programme set forth in Article II, paragraph 2, unless it has agreed to make a financial contribution to that programme or the vote concerns installations to whose purchase it has agreed to contribute.
  5. The decisions of the Council shall be binding only if the representatives of at least two-thirds of the Member States are present.
  6. Unless otherwise provided for in this Convention, decisions of the Council shall be taken by simple majority of the Member States represented and voting.
  7. The Council shall determine its own rules of procedure, subject to the provisions of this Convention.
  8. The Council shall elect a President from among its delegates for a term of office of one year. The President may not be re-elected more than twice consecutively.
  9. The President shall convene the meetings of the Council. He is required to convene a meeting of the Council within 30 days after at least two of the Member States have requested such a meeting.
  10. The Council may set up such auxiliary organs as may be necessary to accomplish the purposes of the Organisation. The Council shall define the mandate of such organs.
  11. The Council shall, with the unanimous approval of the Member States, decide on the choice of State on whose territory the observatory shall be established, together with its location on that territory.
  12. The Council shall conclude the headquarters agreements needed to implement this Convention.

**Article VI**  
*Director and Personnel*

- 1 a) The Council shall appoint the Director for a fixed term of office by a two-thirds majority of the Member States. The Director shall be answerable to the Council alone. He shall be responsible for the general management of the Organisation. He shall represent it in civil actions. He shall submit an annual report to the Council. He shall attend Council meetings in a consultative capacity unless the Council otherwise decides.
- b) The Council may, by a two-thirds majority of the Member States, relieve the Director of his duties.
- c) In the event of the Director's post falling vacant, the President of the Council shall represent the Organisation in civil actions. In such a case, the Council may designate a person whose powers and responsibilities it shall determine, to take the place of the Director.
- d) In accordance with conditions determined by the Council, the President and the Director

may delegate their power of signature.

2. The Director shall be assisted by such scientific, technical and administrative personnel as the Council authorizes.
3. Subject to the provisions of Article V, paragraph 2d and to the budget appropriations, personnel shall be engaged and dismissed by the Director. Engagements shall be made and terminated in accordance with the personnel rules adopted by the Council.
4. The Director and personnel of the Organisation shall perform their duties in the interests of the Organisation. They may only seek and receive instructions from the competent organs of the Organisation. They shall refrain from any act incompatible with the nature of their duties. Each Member State shall undertake not to influence the Director and personnel of the Organisation in the performance of their duties.
5. Research workers and their associates who are called upon to work at the observatory with the Council's authorization but who are not members of the Organisation's personnel shall be placed under the Director's authority and shall be subject to the general rules established or approved by the Council.

## Article VII *Financial Contributions*

1. a) Each Member State shall contribute to the Organisation's capital investment and fitting-out costs and to its current operating costs in accordance with a schedule which shall be drawn up by the Council once every three years and shall be approved by a two-thirds majority of the Member States on the basis of the average net national income calculated in accordance with the rules laid down in Article VII, paragraph 1b, of the Convention Establishing a European Organisation for Nuclear Research signed in Paris on 1 July 1953<sup>1</sup>.
- b) These provisions shall only apply to the initial programme set out in Article II,

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<sup>1</sup> The paragraph in question is reproduced below:

1. Each Member State shall contribute both to the capital expenditure and to the current operating expenses of the Organisation:
  - a. for the period ending on the thirty-first of December 1956, as set out in the Financial Protocol annexed to this Convention; and, thereafter,
  - b. in accordance with scales which shall be decided every three years by the Council by a two-thirds majority of all the Member States, and shall be based on the average net national income at factor cost of each Member State for the three latest preceding years for which statistics are available, except that,
    - i in respect of any programme of activities, the Council may determine, by a two-thirds majority of all the Member States, a percentage as the maximum which any Member State may be required to pay of the total amount of contributions assessed by the Council to meet the annual cost of that programme; once any such maximum percentage has been so determined, the Council may, by the same majority, change it, provided that no Member State participating in that programme votes to the contrary;
    - ii the Council may decide, by a two-thirds majority of all the Member States, to take into account any special circumstances of a Member State and adjust its contribution accordingly; for the purpose of applying this provision it shall be considered to be a special circumstance, in particular, when the national income «per capita» of a Member State is less than an amount to be decided by the Council by the same majority.

paragraph 2.

c) However, no Member State shall be required to pay annual contributions exceeding one-third of the total amount of the contributions determined by the Council. This maximum contribution may be reduced by unanimous decision of the Council in the event of a State not mentioned in the Annex to the Financial Protocol becoming a member of the Organisation.

2. In the event of a supplementary programme being set up as provided for in Article II, paragraph 3, the Council shall draw up a special schedule in order to determine the contributions to the cost of the supplementary programme of Member States participating in that programme. This special schedule shall be drawn up in accordance with the rules specified in paragraph 1 above without regard to the conditions set forth in sub-paragraph c thereof.

3. States becoming members of the Organisation after the date on which this Convention comes into force shall be required to make a special contribution representing their share in capital investment and fitting-out costs already incurred in addition to their contribution to future capital investment and fitting-out costs and current operating costs. The amount of this special contribution shall be determined by the Council by a two-thirds majority of the Member States.

4. All special contributions made in accordance with the provisions of paragraph 3 above shall have the effect of reducing the contributions of the other Member States unless the Council shall unanimously decide otherwise.

5. No State shall be entitled to participate in activities to which it has not made a financial contribution.

6. The Council may accept gifts and bequests made to the Organisation provided they are not on terms that are incompatible with the purposes of the Organisation.

#### *Article VIII Amendments*

1. The Council may recommend to the Member States that this Convention and the annexed Financial Protocol be amended. Any Member State wishing to propose an amendment shall notify the Director of its proposal. The Director shall circulate any such proposals communicated to him at least three months before they are considered by the Council.

2. Amendments recommended by the Council may only be adopted with the consent of all the Member States in accordance with their own constitutional requirements. Such amendments shall come into force thirty days after the last notification of acceptance of the proposed amendment has been received. The Director shall inform the Member States of the date of entry into force of the amendment.

#### *Article IX Disputes*

Unless Member States agree to some other manner of settlement, all disputes arising between Member States with respect to the interpretation or application of this Convention or of the Financial Protocol which cannot be settled by the Council's intervention shall be submitted to the Permanent Court of Arbitration of The Hague in accordance with the provisions of the Convention for the pacific settlement of international disputes dated 18 October 1907.

*Article X*  
*Withdrawal*

Any Member State of the Organisation may, after a period which shall not be less than ten years from its date of entry into the Organisation, notify the President of the Council in writing of its withdrawal from the Organisation. Such withdrawal shall take effect at the end of the financial year following that in which notification of withdrawal is given. Any State withdrawing from the Organisation shall have no claim on the assets of the Organisation or on the amount of the contributions it has already made.

*Article XI*  
*Failure to fulfil obligations*

If one of the members of the Organisation ceases to fulfil the obligations arising out of this Convention or of the Financial Protocol, it shall be called upon by the Council to abide by their provisions. If the said member does not respond to that request in the time imparted to it, the other members may decide unanimously to continue co-operating within the Organisation without that member. In such an eventuality, that State shall have no claim on the assets of the Organisation or on the amount of the contributions it has already made.

*Article XII*  
*Dissolution*

The Organisation may be dissolved at any time by a resolution adopted by a two-thirds majority of the Member States. In the event of there not being unanimous agreement among the Member States at the time of dissolution, a liquidator shall be appointed under the terms of the same resolution. Assets shall be distributed among the Member States of the Organisation at the time of dissolution pro rata in proportion to the contributions they have actually made since they became party to this Convention. In the event of there being any liabilities, they shall be borne by the same Member States pro rata in proportion to the contributions laid down for the ongoing financial year.

*Article XIII*  
*Signature*  
*Accession*

1. This Convention and the annexed Financial Protocol shall be open for signature by all the States having participated in the preparatory work on this Convention.
2. This Convention and the annexed Financial Protocol shall be submitted for approval or ratification by each State in accordance with its constitutional requirements.
3. The instruments of approval or ratification shall be deposited with the Ministry of Foreign Affairs of the French Republic.
4. The Council may, by the unanimous vote of the Member States, approve the admission into the Organisation of States other than those covered by paragraph 1 of this Article. The States thus admitted shall become members of the Organisation by depositing an instrument of accession with the Ministry of Foreign Affairs of the French Republic.

**Article XIV**  
*Entry into force*

1. This Convention and the annexed Financial Protocol shall enter into force on the date on which the fourth instrument of approval or ratification is deposited provided that the total contributions in accordance with the schedule in the Annex to the Financial Protocol amount to at least 70%.
2. With respect to any State depositing its instrument of approval, ratification or accession after the date of entry into force provided for in paragraph 1 of this Article, the Convention and the Financial Protocol shall enter into force on the date the said instrument is deposited.

**Article XV**  
*Notifications*

1. The Minister of Foreign Affairs of the French Republic shall notify the signatory or acceding States and the Director of the Organisation of the deposit of each instrument of approval, ratification or accession and of the entry into force of this Convention and of the annexed Financial Protocol.
2. The President of the Council shall notify all Member States whenever a State withdraws from the Organisation or ceases to be a party to it by virtue of the provisions of Article XI.

**Article XVI**  
*Registration*

As soon as this Convention and the annexed Financial Protocol enter into force, the Ministry of Foreign Affairs of the French Republic shall have them registered with the Secretary-General of the United Nations in accordance with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned representatives, being thereunto duly authorized, have signed this Agreement.

DONE at Paris on 5 October 1962, in a single copy in the German, French, Dutch and Swedish languages, the French text being authoritative in the event of dispute. This copy shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic.



## Annex

### FINANCIAL PROTOCOL ANNEXED TO THE CONVENTION ESTABLISHING A EUROPEAN ORGANISATION FOR ASTRONOMICAL RESEARCH IN THE SOUTHERN HEMISPHERE

THE GOVERNMENTS OF THE STATES parties to the Convention Establishing a European Organisation for Astronomical Research in the Southern Hemisphere, hereinafter called the Convention,

DESIROUS of making provision for the financial administration of the Organisation,

HAVE AGREED AS FOLLOWS:

#### Article 1 *Budget*

1. The financial year of the Organisation shall run from the 1st January to 31 December.
2. Not later than the 1st September of each year, the Director shall submit detailed estimates of income and expenditure for the subsequent financial year for the Council's consideration and approval.
3. Estimates of income and expenditure shall be grouped into chapters. Transfers within the budget shall not be permitted except by authorization of the Finance Committee set up in accordance with Article 3 hereinafter. The exact form of the budget estimates shall be determined by the Finance Committee on the recommendation of the Director.

#### Article 2 *Additional Budget*

If circumstances so require, the Council may ask the Director to present an additional or revised budget. No resolution involving additional expenditure shall be deemed to have been approved by the Council unless it has also approved, on the proposal of the Director, the corresponding budget estimates.

#### Article 3 *Finance Committee*

The Council shall set up a Finance Committee composed of representatives of all the Member States, whose functions shall be determined in the Financial Rules, provided for in Article 8 hereinafter. The Director shall submit to the Committee the budget estimates which shall subsequently be submitted to the Council with the Committee's report thereon.

#### Article 4 *Contributions*

1. For the period ending on 31 December of the year in which the Convention enters into force, the Council shall draw up provisional budget estimates of which the relevant expenditures shall be met by contributions determined in accordance with the provisions of the Annex to this Protocol.

2. With effect from the 1st January of the following year, expenditures in the budget approved by the Council shall be met by the contributions of Member States in accordance with the provisions of Article VII, paragraph 1, of the Convention.

3. If a State becomes a member of the Organisation after 31 December of the year in which the Convention enters into force, the contributions of all the Member States shall be revised and the new schedule shall take effect as from the beginning of the current financial year. If necessary, repayments shall be made to adjust the contributions of all the Member States to the new schedule.

4. a) On the proposal of the Director, the Finance Committee shall determine the terms on which payment of contributions shall be made, in order to ensure the proper funding of the Organisation.

b) The Director shall then notify the Member States of the amounts of their contributions and the dates on which payment should be made.

#### Article 5

#### *Currency for the payment of Contributions*

1. The Council shall determine the currency in which the budget of the Organisation will be drawn up. The contributions of the Member States shall be payable in that currency in accordance with current payment arrangements.

2. The Council may, however, require the Member States to pay part of their contributions in any other currency which the Organisation may require to accomplish its duties.

#### Article 6

#### *Revolving Fund*

The Council may establish a revolving fund.

#### Article 7

#### *Accounts and Auditing*

1. The Director shall ensure that an account is kept of all income and expenditure and that an annual balance-sheet is drawn up for the Organisation.

2. The Council shall appoint external auditors who shall serve for a period of three years in the first instance and may be re-appointed. The external auditors shall be responsible for examining the accounts and balance-sheets of the Organisation, in particular with a view to certifying that expenditure has conformed, within the limits specified in the Financial Rules, to the budget estimates. They shall also perform such other functions as are laid down in those Financial Rules.

3. The Director shall provide the external auditors with such information and assistance as they may require in order to perform their duties.

#### Article 8

#### *Financial Rules*

The Financial Rules shall lay down all the other arrangements relating to the Organisation's budget, accounting system and finances.

They shall be subject to the unanimous approval of the Council.

IN WITNESS WHEREOF, the undersigned representatives, being thereunto duly authorized, have signed this Protocol.

DONE at Paris on 5 October 1962 in a single copy in the German, French, Dutch and Swedish languages, the French text being authoritative in the event of dispute. This copy shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic.

#### ANNEX

#### CONTRIBUTIONS FOR THE PERIOD ENDING ON 31 DECEMBER OF THE YEAR IN WHICH THE CONVENTION SHALL ENTER INTO FORCE

a) The States who are parties to the Convention on the date of its entry into force and States which become members of the Organisation during the period indicated above shall together bear the entire expenditure covered by the provisional budget estimates drawn up by the Council in accordance with Article 4, paragraph 4 of the Financial Protocol.

b) Contributions of States becoming members of the Organisation during the period indicated above shall be determined provisionally in such a way that the contributions of all the Member States are proportional to the percentages specified in paragraph d) of this Annex. As provided for in paragraph c) below, the contributions of these new members shall be used either for the subsequent repayment of part of the provisional contributions already made by the other Member States or to cover the additional budget appropriations entailed in the implementation of the initial programme approved by the Council during that period.

c) The final amount of contributions outstanding for the above period shall be determined retrospectively on the basis of the overall budget for the said period in such a way that such amount shall be equivalent to what it would have been if all the Member States had been parties to the Convention at the time it entered into force. Any amount which a Member State may have paid in excess of the amount determined retrospectively shall be credited to that State.

d) If all the States listed in the schedule given below have become members of the Organisation before the above period, their contributions for the overall budget for that period shall be at the following rates:

Federal Republic of Germany	33.33%
Belgium	11.32%
France	33.33%
Netherlands	10.49%
<u>Sweden</u>	<u>11.53%</u>
Total	100.00%

e) In the event of any change in the maximum annual contributions as provided for in Article VII, paragraph 1 c), of the Convention, the above schedule shall be amended accordingly.