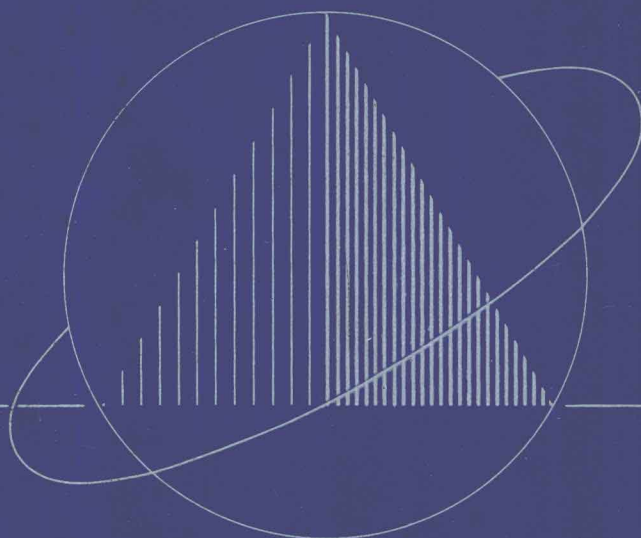


Space Law

Basic Legal Documents



Volume 2

Edited by

Karl-Heinz Böckstiegel and Marietta Benkö

Martinus Nijhoff Publishers

INSTITUTE OF AIR AND SPACE LAW AT COLOGNE UNIVERSITY

Space Law

Basic Legal Documents

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PART C

International Organizations

European Space Agency (ESA)

Convention for the Establishment
of a
European Space Agency

Done on May 30, 1975
Entered into force on October 30, 1980

See:
ESA Annual Report 1975, Annex X
BGBI. 1976 II, p. 1862

**Convention for the Establishment
of a
European Space Agency**

The States parties to this Convention,

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

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

Desiring to pursue and to strengthen European co-operation, for exclusively peaceful purposes, in space research and technology and their space applications, with a view to their being used for scientific purposes and for operational space applications systems,

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

Have agreed as follows:

*Article I
(Establishment of the Agency)*

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

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

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

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

Article II
(Purpose)

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

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

Article III
(Information and data)

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

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

3. When placing contracts or entering into agreements, the Agency shall, with regard to the resulting inventions and technical data, secure

such rights as may be appropriate for the protection of its interests, of those of the Member States participating in the relevant programme, and of those of persons and bodies under their jurisdiction. These rights shall include in particular the rights of access, of disclosure, and of use. Such inventions and technical data shall be communicated to the participating States.

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

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

Article IV
(*Exchange of persons*)

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

Article V
(*Activities and programmes*)

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

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

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

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

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

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

The cost of such operational activities shall be borne by the users concerned.

3. With respect to the coordination and integration of programmes referred to in Article II (c), the Agency shall receive in good time from Member States information on projects relating to new space programmes, facilitate consultations among the Member States, undertake any necessary evaluation and formulate appropriate rules to be adopted by the Council by a unanimous vote of all Member States. The objectives and procedures of the internationalisation of programmes are set out in Annex IV.

Article VI *(Facilities and services)*

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

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