



Treaty Series No. 42 (2002)

## Agreement

between the Government of the  
United Kingdom of Great Britain and Northern Ireland  
and the European Southern Observatory

concerning the

# Accession to the Convention establishing a European Organization for Astronomical Research in the Southern Hemisphere and Related Terms and Conditions

London, 21 May and Garching bei München (Germany), 23 May 2002

[The Agreement entered into force on 23 May 2002]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
October 2002*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND AND THE EUROPEAN  
SOUTHERN OBSERVATORY CONCERNING THE ACCESSION TO THE  
CONVENTION ESTABLISHING A EUROPEAN ORGANIZATION FOR  
ASTRONOMICAL RESEARCH IN THE SOUTHERN HEMISPHERE AND  
RELATED TERMS AND CONDITIONS**

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as “the United Kingdom”),

And

The European Southern Observatory (hereinafter referred to as “the Organization”) established by the Convention Establishing a European Organization for Astronomical Research in the Southern Hemisphere, signed in Paris on 5 October 1962<sup>1</sup> (hereinafter referred to as “the Convention”).

Considering that, according to Article XIII.4 of the Convention, a State admitted to the Organization by unanimous vote of the Member States shall become member of the Organization by depositing an instrument of accession with the Ministry of Foreign Affairs of the French Republic,

Considering that the United Kingdom has applied to become a full member of the Organization and that the Council of ESO has approved the admission of the United Kingdom at its 96th meeting of 3 December, 2001,

Considering the resolution of ESO Council determining the special contribution of the United Kingdom in accordance with Article VII 3 of the Convention as set out in Annex 1 to ESO/Cou-792 conf., rev. 4,

Convinced that this accession will contribute to the achievement of the objectives set out in the Convention,

Having regard in particular to Articles VII, XIII and XV of the Convention,

Have agreed as follows:

**ARTICLE 1**

The purpose of this Agreement is to determine the terms and conditions under which the United Kingdom shall accede to the Convention.

**ARTICLE 2**

1. The United Kingdom shall become a member of the Organization and a party to the Convention establishing it.
2. The United Kingdom agrees to the conditions governing its accession as stated in the present Agreement.

**ARTICLE 3**

1. In accordance with its Article XIII.4 the Convention shall become effective for the United Kingdom on the date when the United Kingdom’s instrument of accession is deposited with the Ministry of Foreign Affairs of the French Republic. The United Kingdom shall take all necessary steps in order that this occurs not later than 1 July, 2002. Should it not be deposited by this date, the terms and conditions of this Agreement may be renegotiated at the request of either party.

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<sup>1</sup> Miscellaneous No. 7 (2002) Cm 5493.

2. As from the date of accession, the provisions of the Convention, together with all measures taken by the Council, shall be binding for the United Kingdom and shall be applicable to that State. The United Kingdom shall be placed in the same situation as the other Member States with regard to decisions, rulings, resolutions or any other acts made by the Council or, in delegation therefrom, by any subordinate body, and with regard to any Agreement concluded by the Organization. The United Kingdom shall consequently abide by the terms of these instruments and measures and by the principles and policies stemming therefrom, and shall whenever necessary take appropriate measures to ensure their full implementation.

#### ARTICLE 4

In accordance with the resolution of ESO Council determining the special contribution of the United Kingdom as set out in Annex 1 to ESO/Cou-792 conf., rev. 3, adopted pursuant to Article VII.3 of the Convention, the United Kingdom shall make the following special contribution as agreed by the Negotiating Teams of ESO Council and of the United Kingdom Particle Physics and Astronomy Research Council (PPARC), the latter acting for and on behalf of the United Kingdom.

The United Kingdom shall make payments to ESO not less and not later than as set out below (in 2001 prices):

Year:	2004	2005	2006	2007	2008	2009	2010	2011
Million Euros	3.229	9.688	9.688	9.688	9.688	9.688	9.688	10.405

The payments shall be subject to the cost variation applied to the ESO contributions and budget as from 2002.

2. The following in-kind contributions shall be made:

2.1 VISTA (Visible and Infrared Survey Telescope), comprising a 4-m class survey telescope with an infrared camera with 16 2kx2k array detectors, silver coating plant and spare parts, valued at 46 M Euros (90 MDM) shall be delivered for installation at the ESO Paranal Observatory not later than August 2006.

2.2 From the date of the accession of the United Kingdom to ESO, ESO shall have access to the survey data of the Wide Field Camera (WFCAM) of the United Kingdom Infrared Telescope (UKIRT). The United Kingdom shall have access to the ESO La Silla Telescopes from 1 October, 2002, to the ESO Very Large Telescope from 1 April, 2003.

2.3 The United Kingdom shall contribute an E-Science programme which will be defined in more detail within a specific document defined by ESO and based upon the general framework of a programme costing 5.1 M Euros in total. ESO will have total responsibility for the programme in respect of project definition, schedule and deliverables.

2.4 The United Kingdom authorises PPARC to enter into an arrangement with ESO on behalf of the United Kingdom setting out the detailed terms and conditions for the in-kind contributions specified in sub-clauses 2.1 to 2.3 inclusive.

ARTICLE 5

The present Agreement shall enter into force upon its signature by both Contracting Parties.

Done in two originals.

For the Government of the United  
Kingdom of Great Britain and Northern  
Ireland:

JOHN TAYLOR

Date: 21 May 2002  
Place: London

For the European Southern  
Observatory:

C. CESARSKY

Date: 23 May 2002  
Garching bei München (Germany)



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