

K oznámeniu č. 97/2006 Z. z.

CONVENTION
FOR THE ESTABLISHMENT OF A EUROPEAN ORGANISATION
FOR THE EXPLOITATION OF METEOROLOGICAL SATELLITES
(EUMETSAT)

as amended by the EUMETSAT Council in Resolution EUM/C/Res. XXXVI of 5 June 1991,
and subsequently accepted by all EUMETSAT Member States

PREAMBLE

The States Parties to this Convention,

Considering that:

- the safety of populations and the efficient execution of numerous human activities are conditioned by meteorological data and that it calls for more accurate and prompter forecasts;
- the possibility of improving the forecasts to a large extent depends on the availability of meteorological observations, local as well as global, including those relating to remote and desert regions;
- meteorological satellites have proved their aptitude and unique potential as a complement to the ground observations systems, particularly in respect to permanent weather monitoring and the carrying out and speedy collection of observations over the most inaccessible areas of the earth's surface;
- meteorological satellites, by virtue of their data coverage and operational characteristics, provide long term global data sets of vital importance for the monitoring of the earth and its climate, especially important for the detection of global change;

Noting that:

- the World Meteorological Organization has recommended its members to improve meteorological data bases and strongly supported plans to develop and exploit a global satellite observation system in order to contribute to its programmes;
- the Meteosat satellites were successfully developed by the European Space Agency;
- the Meteosat Operational Programme (MOP) conducted by EUMETSAT has demonstrated Europe's capacity to assume its share of responsibility in the operation of a global satellite observation system;

Recognising that:

- no other national or international organisation provides Europe with all the meteorological satellite data necessary to cover its zones of interest;
- 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;

- it is desirable to provide the European meteorological organisations with a framework for cooperation enabling them to embark on joint activities making use of space technologies applicable to meteorological research and weather forecasting;

Have agreed as follows:

Article 1

Establishment of EUMETSAT

1. A European Organisation for the Exploitation of Meteorological Satellites, hereinafter referred to as "EUMETSAT", is hereby established.

2. The members of EUMETSAT, hereinafter referred to as "Member States", shall be those States that are Parties to this Convention in pursuance of the provisions of Article 16.2 or 16.3.

3. EUMETSAT shall have legal personality. 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.

4. The organs of EUMETSAT shall be the Council and the Director-General.

5. The Headquarters of EUMETSAT shall be located in Darmstadt, Federal Republic of Germany, unless otherwise decided by Council in accordance with Article 5.2 (b) v.

6. The official languages of EUMETSAT shall be English and French.

Article 2

Objectives, activities and programmes

1. The primary objective of EUMETSAT is to establish, maintain and exploit European systems of operational meteorological satellites, taking into account as far as possible the recommendations of the World Meteorological Organization.

A further objective of EUMETSAT is to contribute to

the operational monitoring of the climate and the detection of global climatic changes.

2. The definition of the initial system is contained in Annex I; further systems shall be established as defined in Article 3.

3. In the execution of its objectives, EUMETSAT shall:

- (a) take maximum advantage of the technologies developed in Europe, in particular in the field of meteorological satellites by providing for operational continuation of the programmes that have proved technically successful and cost-effective;
- (b) rely as appropriate on the capabilities of the existing international organisations carrying out activities in a similar field;
- (c) contribute to the development of space meteorology techniques and meteorological observing systems using satellites that may lead to improved services at optimum cost.

4. For the purpose of achieving its objectives EUMETSAT shall, as far as possible, and in conformity with meteorological tradition, cooperate with the Governments and national organisations of the Member States, as well as with non-Member States and governmental and non-governmental international scientific and technical organisations whose activities are related to its objectives. EUMETSAT may conclude agreements to that end.

5. The General Budget comprises activities not linked to a specific programme. They shall represent the basic technical and administrative infrastructure of EUMETSAT including basic staff, buildings and equipment as well as preliminary activities authorised by the Council in preparation of future programmes not yet approved.

6. The programmes of EUMETSAT shall include mandatory programmes in which all Member States participate and optional programmes with participation by those Member States that agree so to do.

7. Mandatory programmes are:

- (a) the Meteosat Operational Programme (MOP) as defined in Annex I of the Convention;
- (b) the basic programmes required to continue the provision of observations from geostationary and polar orbits;
- (c) other programmes as defined as such by the Council.

8. Optional programmes are programmes within the objectives of EUMETSAT agreed as such by the Council.

9. EUMETSAT may, outside the programmes referred to in paragraphs 6, 7 and 8 above but not in conflict with the objectives of EUMETSAT, carry out activities requested by third parties and approved by the Council in accordance with Article 5.2 (a). The cost of such activities shall be borne by the third party concerned.

Article 3

Adoption of programmes and the General Budget

1. Mandatory programmes and the General Budget are established through the adoption of a Programme Resolution by the Council in accordance with Article 5.2 (a), to which a detailed Programme Definition, containing all necessary programmatic, technical, financial, contractual, legal and other elements is attached.

2. Optional programmes are established through the adoption of a Programme Declaration by the Member States interested in accordance with Article 5.3 (a) to which a detailed Programme Definition, containing all necessary programmatic, technical, financial, contractual, legal and other elements is attached. Any optional programme shall fall within the objectives of EUMETSAT and be in accordance with the general framework of the Convention and the rules agreed by the Council for its application. The Programme Declaration shall be approved by the Council in an Enabling Resolution in accordance with Article 5.2 (d) iii.

Any Member State shall have the opportunity to participate in the preparation of a draft Programme Declaration and may become a Participating State of the optional programme within the time frame set out in the Programme Declaration.

Optional programmes take effect once at least one third of all EUMETSAT Member States have declared their participation by signing the Declaration within the time frame set out and the subscriptions of these Participating States have reached 90 % of the total financial envelope.

Article 4

The Council

1. The Council shall be composed of not more than two representatives of each Member State, one of whom should be a delegate of the country's National Meteorological Service. The representatives may be assisted by advisers during meetings of the Council.

2. The Council shall elect from among its members a Chairman and a Vice-Chairman who shall hold office for two years and may be re-elected not more than once. The Chairman shall conduct the discussions of the Council and shall not have the capacity of a representative of a Member State.

3. The Council shall meet in ordinary session at least once a year. It may meet in extraordinary session at the request of either the Chairman or one-third of the Member States. The Council shall meet at the EUMETSAT Headquarters unless it decides otherwise.

4. The Council may establish subsidiary bodies and working groups as it deems necessary for the achievement of the objectives and programmes of EUMETSAT.

5. The Council shall adopt its own rules of procedure.

Article 5

Role of the Council

1. The Council shall have the powers to adopt all the measures necessary for the implementation of this Convention.
2. The Council shall in particular be empowered,
- (a) by a unanimous vote of all the Member States:
- i. to decide on the accession of States referred to in Article 16, and on the terms and conditions governing such accession;
 - ii. to decide on the adoption of mandatory programmes and General Budget as referred to in Article 3.1;
 - iii. to decide on the ceiling of contributions for the General Budget for a period of five years one year before the end of the period or to revise such a ceiling;
 - iv. to decide on any measures of financing programmes, e.g. through loans;
 - v. to authorise any transfer from a budget of a mandatory programme to another mandatory programme;
 - vi. to decide on any amendment of an approved Programme Resolution and Programme Definition as referred to in Article 3.1;
 - vii. to approve the conclusion of Cooperation Agreements with non-Member States;
 - viii. to decide to dissolve or not to dissolve EUMETSAT in conformity with Article 20;
 - ix. to amend the Annexes to this Convention;
 - x. to approve cost overruns of more than 10 % thereby increasing the original financial envelope or ceiling of mandatory programmes (except for MOP);
 - xi. to decide on activities to be carried out on behalf of third parties.
- (b) by a two-thirds majority vote of the Member States present and voting representing also at least two-thirds of the total amount of GNP contributions (respectively MOP contributions for i. below):
- i. to adopt the annual budget for the MOP, together with the level of staff complements and the expenditure and income forecast for the following three years attached thereto;
 - ii. to adopt the Financial Rules as well as all other financial provisions;
 - iii. to decide on the way EUMETSAT will be dissolved pursuant to the provisions of Article 20.3 and 4;
 - iv. to decide on the exclusion of a Member State pursuant to the provisions of Article 14, and on the conditions of such exclusion;
 - v. to decide on any transfer of the EUMETSAT Headquarters;
 - vi. to adopt the Staff Rules;
 - vii. to decide on the distribution policy for satellite data for mandatory programmes.
- (c) by a vote representing at least two-thirds of the total amount of contributions and one half of the Member States present and voting:
- i. to adopt the annual General Budget and the annual budgets for mandatory programmes (except for MOP), together with their level of staff complements and the expenditure and income forecast for the following three years attached thereto;
 - ii. to approve cost overruns of up to 10 % thereby increasing the original financial envelope or ceiling (except for MOP);
 - iii. to approve annually the accounts of the previous year, together with the balance sheet of the assets and liabilities of EUMETSAT, after taking note of the auditor's report, and give discharge to the Director-General in respect of the implementation of the budget;
 - iv. to decide on all other measures relating to mandatory programmes that have a financial impact on the Organisation.
- (d) by a two-thirds majority of the Member States present and voting:
- i. to appoint the Director-General for a specific period, and terminate or suspend his appointment; in the case of suspension the Council shall appoint an Acting Director-General;
 - ii. to define the operational specifications of mandatory satellite programmes as well as the products and services;
 - iii. to decide that an envisaged optional programme falls within the objectives of EUMETSAT and that the programme is in accordance with the general framework of the Convention and the rules agreed by Council for its application;
 - iv. to approve the conclusion of any Agreement with Member States, international governmental and non-governmental organisations, or national organisations of Member States;
 - v. to adopt recommendations to the Member States concerning amendments to this Convention;
 - vi. to adopt its own rules of procedure;
 - vii. to appoint the auditors and to decide the length of their appointments.
- (e) by a majority of the Member States present and voting:
- i. to approve appointments and dismissals of senior staff;
 - ii. to decide on the setting-up of subsidiary bodies and working groups and define their terms of reference;
 - iii. to decide on any other measures not explicitly provided for in this Convention.
3. For optional programmes the following specific rules apply:
- (a) The Programme Declaration shall be adopted by a two-thirds majority of Member States interested, present and voting.
- (b) All measures for the implementation of an optional programme shall be decided upon by a vote representing at least two-thirds of the contributions and one-third of the Participating States present and voting.
The coefficient of a Participating State is limited to 30 %, even if the percentage of its financial contribution is higher.
- (c) Any amendment of the Programme Declaration or

any decision on accession requires unanimity of all Participating States.

4. Each Member State shall have one vote in the Council. However, a Member State shall have no vote in the Council if the amount of its arrears of contributions exceeds the assessed amount of its contributions for the current financial year. In such cases the Member State concerned may nevertheless be authorised to vote if a two-thirds majority of all the Member States entitled to vote considers that the non-payment is due to circumstances beyond its control. For the purpose of determining unanimity or the majorities provided for in the present Convention, no account shall be taken of a Member State that is not entitled to vote. The above rules shall apply mutatis mutandis to optional programmes.

The expression "Member State present and voting" shall mean the Member States voting for or against. Member States that abstain shall be considered as not voting.

5. The presence of representatives of a majority of all the Member States entitled to vote shall be necessary to constitute a quorum. This rule shall be applied mutatis mutandis to optional programmes. Council decisions in respect of urgent matters may be secured by means of a written procedure in the interval between Council meetings.

Article 6

Director-General

1. The Director-General shall be responsible for the implementation of the decisions taken by the Council and for the execution of the tasks assigned to EUMETSAT. He shall be the legal representative of EUMETSAT and in that capacity he shall sign Agreements approved by the Council, as well as contracts.

2. The Director-General shall act on the instructions of the Council. He shall in particular,

- (a) ensure the proper functioning of EUMETSAT;
- (b) receive the contributions of the Member States;
- (c) enter into the commitments and incur the expenditure decided on by the Council, within the limit of the authorised credits;
- (d) implement decisions of the Council regarding the financing of EUMETSAT;
- (e) draft tender invitations and contracts;
- (f) prepare the meetings of the Council and provide the meetings of possible subordinate bodies and working groups with the necessary technical and administrative assistance;
- (g) monitor and control the execution of contracts;
- (h) prepare and implement the budgets of EUMETSAT in accordance with the Financial Rules and submit annually for approval by the Council the accounts relating to the implementation of the budgets and the balance sheet of assets and liabilities, drawn up in each case in accordance with the Financial Rules, and the report on the activities of EUMETSAT;
- (i) maintain the necessary accounts;

(j) execute such other tasks as may be entrusted to him by the Council.

3. The Director-General shall be supported by a Secretariat.

Article 7

Staff of the Secretariat

1. Except as provided for in the second paragraph of this Article the staff of the Secretariat shall be governed by the Staff Rules adopted by the Council under the provisions of Article 5.2 (b). Where the conditions of employment of a staff member of the Secretariat are not governed by the said Rules, they shall be governed by the law applicable in the country where the person concerned is carrying out his duties.

2. Staff shall be recruited on the basis of their qualifications, account being taken of the international character of EUMETSAT. No post may be reserved for nationals of a specific Member State.

3. Staff of national bodies of the Member States may be employed by and made available to EUMETSAT for a specific period.

4. The Council shall, in conformity with Article 5.2 (e), approve appointments and dismissals of senior staff as defined in the Staff Rules. Other staff members shall be appointed and may be dismissed by the Director-General acting under authority delegated by the Council. The Director-General shall have authority over the Secretariat staff as a whole.

5. The Member States shall respect the international character of the responsibilities of the Director-General and members of the Secretariat. In the exercise of their duties, the Director-General and members of the Secretariat shall neither seek nor accept instructions from any Government or any authority external to EUMETSAT.

Article 8

Ownership and distribution of satellite data

1. EUMETSAT shall have worldwide exclusive ownership of all data generated by EUMETSAT's satellites or instruments.

2. EUMETSAT shall make available sets of data agreed by the Council to the National Meteorological Services of Member States of the World Meteorological Organization.

3. The distribution policy regarding satellite data shall be decided in accordance with the rules laid down in Article 5.2 (b) for mandatory programmes and 5.3 (b) for optional programmes. EUMETSAT, through the Secretariat, and the Member States shall be responsible for the implementation of this policy.

Article 9

Liability

1. EUMETSAT offers no warranty in respect of the

services and products provided or to be provided pursuant to this Convention.

2. EUMETSAT, the Member States, and their civil servants or employees, when acting in the exercise of their functions and within the limits of their authority, as well as any representative at EUMETSAT meetings, shall not be liable to any Member State or EUMETSAT in respect of loss or injury resulting from any discontinuation, delay or unsatisfactory operation of the services provided.

3. No Member State shall be liable for the acts and obligations of EUMETSAT linked with the establishment of the space segment of EUMETSAT, except where such liability results from a treaty to which that Member State and a State claiming compensation are parties. In that case, EUMETSAT shall indemnify the Member State concerned in respect of any such liability, unless the latter has expressly undertaken to assume exclusively such liability. The Council shall establish the procedures for the implementation of this paragraph.

Article 10

Funding principles

1. The expenditure of EUMETSAT shall be covered by the financial contributions of the Member States and by any other EUMETSAT income.

2. Each Member State shall pay to EUMETSAT an annual contribution to the General Budget and to the mandatory programmes (except for MOP) on the basis of the average Gross National Product (GNP) of each Member State for the three latest years for which statistics are available.

The update of the statistics shall be made every three years.

For MOP, each Member State shall pay to EUMETSAT an annual contribution on the basis of the scale contained in Annex II.

3. Member States are bound to pay their contributions to mandatory programmes (except MOP) up to a maximum of 110 % if a decision is taken according to Article 5.2 (c) ii.

4. For optional programmes, each participating Member State shall pay to EUMETSAT an annual contribution on the basis of the scale agreed for the programme.

5. In the case an optional programme is not fully subscribed within one year after the date at which it has taken effect in accordance with Article 3.2 the existing participants are bound to accept a new scale of contributions whereby the deficit is distributed pro rata, unless they agree unanimously on a different solution.

6. All contributions shall be made in European Currency Units (ECU) as defined by the European Communities. For MOP contributions may also be made in any convertible currency.

7. The methods of payment of the contributions, and

the methods of updating the statistics for GNP, shall be determined in the Financial Rules.

8. The Financial Rules shall define the applicable procedure in the event of the non-payment of contributions of a Member State, as well as the additional charges on the Member State that is in arrears with its contributions.

9. The Council may accept voluntary contributions, whether in cash or otherwise, provided they are made for purposes compatible with the objectives, activities and principles of conduct of EUMETSAT.

Article 11

Budgets

1. Budgets shall be established in terms of ECU.

2. The financial year shall run from 1 January to 31 December.

3. The budgets of EUMETSAT shall be drawn up for each financial year before the beginning of that year under the conditions laid down in the Financial Rules. The revenue and expenditure shown in the budgets shall be in balance.

4. The Council shall, in conformity with Article 5.2 (b) and (c), adopt the budget for MOP, the General Budget and the budgets for mandatory programmes for each financial year, as well as any supplementary and amending budgets. Member States participating in optional programmes shall adopt the budgets for these programmes in accordance with Article 5.3 (b).

5. The adoption of the budgets shall constitute:
(a) the obligation for each Member State to make available to EUMETSAT the financial contributions fixed in the budgets;
(b) the authority for the Director-General to incur commitments and expenditure within the limit of the corresponding authorised credits.

6. If a budget has not been adopted by the beginning of a financial year, the Director-General may, each month, enter into commitments and make payments in each chapter of the corresponding budget 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.

7. Member States shall pay each month, on a provisional basis and in accordance with the scale of contributions, the amounts necessary for the application of paragraph 6 of this Article.

8. The detail of the financial arrangements and accounting procedures shall be contained in the Financial Rules adopted by the Council in conformity with Article 5.2 (b).

Article 12

Audit

1. The accounts of all revenue and expenditure shown in the budgets and the balance sheet of the

assets and liabilities of EUMETSAT shall, under the conditions laid down in the Financial Rules, be submitted for annual audit. The auditors shall submit to the Council each year a report on the accounts.

2. The Director-General shall give the auditors any information and assistance needed for the execution of their task.

3. The further detail of the audit shall be determined by the Council.

Article 13

Privileges and immunities

EUMETSAT shall enjoy the privileges and immunities that are necessary for the performance of its official activities, in conformity with a Protocol to be drawn up subsequently.

Article 14

Non-fulfilment of obligations

1. A Member State that fails to fulfil its obligations under this Convention shall cease to be a member of EUMETSAT, if the Council so decides in conformity with the provisions of Article 5.2 (b), the State concerned not taking part in the vote on this issue. The decision shall take effect at a date decided by the Council.

2. If a Member State is excluded from the Convention, the scales of contributions for the General Budget and for the mandatory programmes shall be adjusted in accordance with Article 10.2. The Participating States shall, in accordance with the rules laid down in the Programme Declaration, decide about any adjustment of scales of contributions following the exclusion from optional programmes.

Article 15

Disputes

1. Any dispute between two or more Member States, or between any of them and EUMETSAT, concerning the interpretation or application of this Convention or its Annexes, that cannot be settled by or through the Council shall, at the request of any Party to the dispute, be submitted to an Arbitration Tribunal, unless the Parties agree on another mode of settling the dispute.

2. The Arbitration Tribunal shall consist of three members. Each Party to the dispute shall nominate one arbitrator within a period of two months reckoned from the date of receipt of the request referred to in paragraph 1 above. The first two arbitrators shall, within a period of two months reckoned from the nomination of the second arbitrator, nominate the third arbitrator, who shall be the Chairman of the Arbitration Tribunal and who may not be a national of a State that is a Party to the Dispute. If one of the two arbitrators has not been nominated within the required period he shall, at the request of either Party, be nominated by the President of the International

Court of Justice or, if there is no agreement between the Parties to call on the latter, by the Secretary General of the Permanent Court of Arbitration. The same procedure shall apply if the Chairman of the Arbitration Tribunal has not been nominated within the required period.

3. The Arbitration Tribunal shall itself determine its seat and establish its own rules of procedure.

4. Each Party shall bear the cost relating to the arbitrator for whose nomination it is responsible, as well as the costs of being represented before the Tribunal. The expenditure relating to the Chairman of the Arbitration Tribunal shall be shared equally by the Parties to the dispute.

5. The award of the Arbitration Tribunal shall be made by a majority of its members, who may not abstain from voting. This award shall be final and binding on all Parties to the dispute and no appeal shall lie against it. The Parties shall comply with the award without delay. In the event of a dispute as to its meaning or scope, the Arbitration Tribunal shall interpret it at the request of any Party to the dispute.

Article 16

Signature, ratification, and accession

1. This Convention shall be open for signature by the States that took part in the Conference of Plenipotentiaries on the setting-up of a European Organisation for the Exploitation of Meteorological Satellites.

2. The said States shall become Parties to this Convention either

- by signature not subject to ratification, acceptance or approval, or
- by the deposit of an instrument of ratification, acceptance or approval with the depositary if the Convention was signed subject to ratification, acceptance or approval.

3. From the date of entry into force of this Convention, any State that did not take part in the Conference of Plenipotentiaries referred to in paragraph 1 of this Article may accede to it following a Council decision taken in conformity with the provisions of Article 5.2 (a). 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 5.2 (a).

4. The instruments of ratification, acceptance, approval and accession shall be deposited with the Government of the Swiss Confederation, referred to as "the depositary".

5. Accession to the EUMETSAT Convention means as a minimum participation in the General Budget and in all the mandatory programmes. Participation in optional programmes is subject to a decision of the

Participating States in accordance with Article 5.3 (c). Any State that becomes a Party to the Convention shall make a special payment towards the investments already made taking into account the mandatory and optional programmes in which the State will participate. The amount of payment shall be determined in conformity with Article 5.2 (a) i. as regards mandatory programmes and in conformity with Article 5.3 (c) as regards the optional programmes.

6. If a State accedes to the Convention, the scale of contributions for the General Budget and for the mandatory programmes shall be adjusted by the Council. The Participating States shall decide about any adjustment of scales of contributions following the accession to any optional programme.

Article 17

Entry into force

1. This Convention shall enter into force sixty days after the date on which States whose aggregate contributions according to the scale at Annex II amount to at least 85 % of the total amount of the contributions have become Parties to the Convention in implementation of Article 16.2.

2. If the requirements for entry into force of this Convention in accordance with paragraph 1 of this Article have not been met 2 years after the date on which the Convention was opened for signature, the depositary shall, at the earliest time possible, convene the Governments of the States which have signed the Convention without their signature being subject to ratification, acceptance or approval or which have deposited instruments of ratification, acceptance or approval. These Governments may then decide that notwithstanding the requirements of paragraph 1 the Convention shall enter into force among them. In taking such a decision these Governments shall agree upon the date of entry into force and a revision of the scale of contributions referred to in Annex II.

3. Following the entry into force of the Convention pursuant to either paragraph 1 or paragraph 2 of this Article, and pending the deposit of its instrument of ratification, acceptance or approval, a State that has signed the Convention subject to ratification, acceptance or approval may take part in EUMETSAT meetings without the right to vote.

4. For any State that, subsequent to the date of entry into force of the Convention, pursuant to either paragraph 1 or paragraph 2 of this Article, signs the Convention without its signature being subject to ratification, acceptance or approval, or deposits its instrument of ratification, acceptance or approval, and for any State that accedes to it, the Convention shall take effect on the date of signature by the said State or on the date of deposit of its instrument of ratification, acceptance, approval or accession, as the case may be.

Article 18

Amendments

1. Any Member State may propose amendments to this Convention. The amendment proposals shall be sent to the Director-General who shall communicate them to the other Member States at least three months prior to their examination by the Council. The Council shall examine the said proposals and may, by a decision taken in conformity with Article 5.2 (d) v., recommend the Member States to accept the proposed amendments.

2. The amendments recommended by the Council shall enter into force thirty days following the receipt by the depositary of the Convention of the written declarations of acceptance of all the Member States.

3. The Council may, by a decision taken in conformity with Article 5.2 (a), amend the Annexes to this Convention provided that any such amendment does not conflict with the Convention, at the same time determining the corresponding date of entry into force for all the Member States.

Article 19

Denunciation

1. After this Convention has been in force for six years, any Member State may denounce it by notifying the depositary of the Convention, thereby leaving the General Budget, mandatory and optional programmes. The denunciation shall take effect for the General Budget at the end of the five year period for which the financial ceiling was decided, and for the mandatory or optional programmes at the time of the expiration of the programmes.

2. The State concerned shall retain the rights it has acquired up to the date the denunciation takes effect with regard to the various programmes in which it was involved.

3. If a Member State ceases to be a Party to the Convention, the scale of contributions for the General Budget shall be adjusted in accordance with Article 10.2 for the five year period following the period in which the State concerned denounced the Convention.

Article 20

Dissolution

1. EUMETSAT may at any time be dissolved by the Council by a decision in accordance with Article 5.2 (a).

2. Unless the Council decides otherwise, EUMETSAT shall be dissolved if, as a result of the denunciation of this Convention by one or more Member States under the provision of Article 19.1 or as a result of an exclusion following Article 14.1, the contribution rate of each other Member State to the General Budget and to the mandatory programmes is increased by more than one fifth.

The decision on the dissolution shall be taken by the Council in conformity with Article 5.2 (a), a Member State having denounced the Convention or having been excluded not taking part in the vote on this issue.

3. In the cases referred to in paragraph 1 and 2, the Council shall appoint a liquidation authority.

4. The assets shall be shared out among the States that are members of EUMETSAT at the time of its dissolution pro rata to the contributions actually paid by them from the time of becoming Parties to this Convention. In the event of a deficit this shall be met by the same States pro rata to the contributions as assessed for the current financial year.

ARTICLE 21

Notification

The depositary shall notify the signatory and acceding States of:

- (a) all signatures of the Convention;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) the entry into force of the Convention, pursuant to either paragraph 1 or paragraph 2 of Article 17;
- (d) the adoption and entry into force of any amendment to the Convention or to the Annexes thereto;
- (e) any denunciation of the Convention, or any loss of membership status in EUMETSAT;
- (f) the dissolution of EUMETSAT.

Article 22

Registration

Upon the entry into force of this Convention, and of any amendments to it, the depositary shall register them with the Secretary General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

Note on the Annexes to the original Convention

The Annexes to the Convention have been abrogated as laid down in Article 23.2 of the Amending Protocol to the Convention (Resolution EUM/C/Res. XXXVI, 15th Council Meeting, 4 – 5 June 1991).

Certified copy

by EUMETSAT
Round stamp with text: EUMETSAT
Signature illegible

Darmstadt, 20 August 2003

Silvia G. Castañer
Head of the Legal Affairs Division