



Miscellaneous No. 6 (2006)

Amending Protocol

Amendments to the Convention establishing the European Centre for
Medium-Range Weather Forecasts

and

the Protocol on the Privileges and Immunities of the Centre

Adopted Brussels, 22 April 2005

[The Amending Protocol is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 2006*

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ECMWF Council
62nd session
Item 3

ECMWF/C/62(05)1

Subject: Adoption of amendments to the Convention

Background

1. Following extensive discussions during the course of 2002 and 2003, the Norwegian Government, on 19 February 2004, officially submitted a proposal for amending the Convention and the Protocol on the Privileges and Immunities for consideration by Council at its 60th session in June 2004. The Norwegian proposal did not include any amendment on languages and therefore maintained the status quo on this issue.
2. At its 60th session (June 2004), the Council voted in favour of the Norwegian proposal (ECMWF/C/60/M(04)1, para. 87).
3. In its letter dated 28 July 2004, Spain submitted a proposal on the issue of languages.

Outcome of the 61st session of Council (December 2004)

4. At its 61st session (December 2004), the Council unanimously adopted the Policy Advisory Committee recommendations for amending the Convention, based upon the proposal made by Spain regarding the issue of languages at ECMWF, as follows:

Article 1(6)

“The official languages of the Centre shall be the official languages of the Member States.

Its working languages shall be English, French and German.

The Council shall determine the extent to which the official and working languages shall respectively be used in accordance with Article 6(2)(1).”

Article 6(2)

“2. The Council, acting by a majority of two-thirds of the Member States, and provided that the sum of the contributions from these States represents at least two-thirds of the total contributions to the budget of the Centre, shall ...”

The following paragraph (l) to be inserted:

“(1) determine, in accordance with Article 1(6), the extent to which the official and working languages shall respectively be used.”

Article 26

“This Convention, and all amendments to it, drawn up in a single original in Dutch, English, French, German, Italian, Danish, Finnish, Greek, Irish, Norwegian, Portuguese, Spanish, Swedish, and Turkish, all texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union, which shall transmit a certified copy to the Government of each signatory or acceding State”.

5. Furthermore, the Council adopted a Resolution recommended by the PAC determining the use of languages at ECMWF, attached as Annex 2.¹

Action required

6. The Council:

- i) formally adopt the amendments to the Convention based on a proposal made by Spain on 28 July 2004, and a Resolution determining the use of languages at ECMWF; and
- ii) recommend the Member States to accept the proposed amendments as laid down in the Amending Protocol, attached as Annex 1 to this document.

¹ Not included here

AMENDING PROTOCOL

**AMENDMENTS TO THE CONVENTION ESTABLISHING THE
EUROPEAN CENTRE FOR MEDIUM-RANGE WEATHER FORECASTS**

The Council of the European Centre for Medium-Range Weather Forecasts (ECMWF, the Centre) in accordance with Article 18(1) of the ECMWF Convention recommends the Member States to accept the following amendments to the Convention establishing the European Centre for Medium-Range Weather Forecasts¹:

In the Dutch, French, German, and Italian versions the mention of paragraphs/sub-paragraphs has been replaced in the entire Convention by citing the respective numbers/letters in brackets only.

In the Dutch version, the word ‘Overeenkomst’ has been replaced by ‘Conventie’ throughout the document.

In the Dutch version, the words ‘Lid-Staat’ and ‘Lid-Staten’ have been replaced by ‘Lidstaat’ and ‘Lidstaten’ throughout the document.

In the Dutch version, the word ‘artikel’ has been replaced by ‘Artikel’ throughout the document.

In the Dutch version, the words ‘paragraaf’ and ‘alinea’ have been replaced by ‘lid’ throughout the document and the words ‘paragrafen’ and ‘alinea’s’ by ‘leden’.

In the Dutch version, the word ‘begrotingsjaar’ has been replaced by ‘boekjaar’ throughout the document.

The phrase “The States Parties to this Convention” is added before the Considerata.

The **Considerata** are replaced by the following:

“ACKNOWLEDGING that weather-related threats to life and health, and to economy and property, are increasingly important;

CONVINCED that the improvement of medium-range weather forecasts contributes to the protection and safety of the population;

CONVINCED FURTHER that the scientific and technical research carried out for this purpose provides a valuable stimulus to the development of meteorology in Europe;

¹ Treaty Series No. 2 (1976) Cmnd 6366

CONSIDERING that, to achieve this purpose and these objectives, resources on a scale exceeding those normally practicable at national level are needed;

NOTING the importance for the European economy of a considerable improvement in medium- range weather forecasts;

REAFFIRMING that the establishment of an autonomous European centre with international status is the appropriate means to attain this purpose and these objectives;

CONVINCED that the Centre can make valuable contributions to developing the scientific basis for environmental monitoring;

NOTING that such a centre can also assist in the post-university training of scientists;

ASSURING that the activities of such a centre will, moreover, make a necessary contribution to certain programmes of the World Meteorological Organization (WMO) and to other relevant agencies;

CONSIDERING the importance that the establishment of such a centre can have for the development of European industry in the field of data processing;

REALIZING the will to widen the membership of the Centre to more States;”.

The paragraph: “HAVE DECIDED to establish . . . [together with the list of plenipotentiaries] . . . found in good and true form” is removed.

In the Dutch version, the sentence ‘Overeenkomst hebben Bereikt Omtrent de Volgende Bepalingen:’ has been replaced by ‘komen het volgende overeen:’

ARTICLE 1

Article 1 is given a title: “Establishment, Council, Member States, Headquarters, Languages”.

Article 1(2): The word “Director” is replaced by “Director-General”. In the Italian version, the expression “Comitato consultivo scientifico” is replaced by “Comitato Scientifico Consultivo” and the expression “Comitato finanziario” by “Comitato Finanze”. In the Dutch version, the expression ‘een Wetenschappelijk Raadgevend Comité’ has been replaced by ‘een Wetenschappelijke Adviescommissie’ and the expression ‘Financieel Comité’ by ‘Financiële Commissie’.

Article 1(5) is given an additional phrase “... unless otherwise decided by the Council in accordance with Article 6(1)(g).”

Article 1(6) is amended to read:

“6. The official languages of the Centre shall be the official languages of the Member States.

Its working languages shall be English, French and German.

The Council shall determine the extent to which the official and working languages shall respectively be used in accordance with Article 6(2)(1).”

ARTICLE 2

Article 2 is given a title: “The purposes, objectives and activities”.

A new Article 2(1) is inserted:

“1. The primary purposes of the Centre are the development of a capability for medium-range weather forecasting and the provision of medium-range weather forecasts to the Member States”.

The re-numbered Article 2(2) is introduced by the sentence “The objectives of the Centre shall be”.

Article 2(1)(a) is replaced by 2(2)(a):

“a) to develop, and operate on a regular basis, global models and data-assimilation systems for the dynamics, thermodynamics and composition of the Earth's fluid envelope and interacting parts of the Earth-system, with a view to:

- i) preparing forecasts by means of numerical methods;
- ii) providing initial conditions for the forecasts; and
- iii) contributing to monitoring the relevant parts of the Earth-system;”

Article 2(1)(b) is deleted.

Article 2(1)(c) is re-numbered 2(2)(b).

Article 2(1)(d) is replaced by 2(2)(c):

“c) to collect and store appropriate data;”.

Article 2(1)(e) is replaced by 2(2)(d):

“d) to make available to the Member States, in the most appropriate form, the results provided for in (a) and (b) and the data referred to in (c);”.

Article 2(1)(f) is replaced by 2(2)(e):

“e) to make available to the Member States for their research, priority being given to the field of numerical weather forecasting, a sufficient proportion of its computing capacity, such proportion being determined by the Council;”.

Article 2(1)(g) is re-numbered 2(2)(f). In the English version, the word “Organisation” is replaced by the word “Organization”. In the Dutch version, the expression ‘Meteorologische Wereldorganisatie’ is replaced by ‘Wereld Meteorologische Organisatie’.

Article 2(1)(h) is replaced by Article 2(2)(g):

“g) to assist in advanced training for the scientific staff of the Member States in the field of numerical weather forecasting.”

Article 2(2) is replaced by Article 2(3):

“3. The Centre shall establish and operate the installations necessary for the achievement of the purposes defined in paragraph 1 and the objectives defined in paragraph 2.”

Article 2(3) is re-numbered 2(4).

A new Article 2(5) is inserted:

“5. The Centre may carry out activities requested by third parties that are in line with the purposes and objectives of the Centre and that are approved by the Council in accordance with Article 6(2)(g). The cost of such activities shall be borne by the third party concerned.”

A new Article 2(6) is inserted:

“6. The Centre may carry out Optional Programmes in accordance with Article 11(3).”

ARTICLE 3

Article 3 is given a title: “Co-operation with other entities”.

Article 3(1): In the Dutch version, the word ‘doeleinden’ is replaced by ‘doelstellingen’.

Article 3(2): The introductory phrase is amended to read “The Centre may conclude co-operation agreements to that end”.

Article 3(2)(a): The reference to Article 6(1)(e) is amended to “Article 6(1)(e) or 6(3)(j)”.

Article 3(2)(b): The reference to Article 6(3)(k) is amended to Article 6(3)(j). In the Dutch version, the word ‘organisaties’ is replaced by ‘instanties’

A new Article 3(2)(c) is added:

- “c) with national scientific and technical agencies of non-Member States under the conditions laid down in Article 6(1)(e).”

ARTICLE 4

Article 4 is given a title: “The Council”.

Article 4(2): In the English version, the word “Organisation” is replaced by the word “Organization”. In the Dutch version, the expression ‘nationale weerundige dienst’ is replaced by ‘nationale meteorologische dienst’ and the expression ‘Meteorologische Wereldorganisatie’ by ‘Wereld Meteorologische Organisatie’.

Article 4(5): The word “Director” is replaced by “Director-General”.

Article 4(6): In the Dutch version, the expression ‘comités van raadgevende aard’ is replaced by ‘adviescommissies’.

ARTICLE 5

Article 5 is given a title: “Voting at Council”.

Article 5(2): The reference to Article 6(3)(m) is replaced by Article 6(3)(1).

ARTICLE 6

Article 6 is given a title “Voting majorities”.

Article 6(1)(b): The phrase “admission of new Members” is replaced by “accession of States”, and the word “admissions” is replaced by the word “accessions”.

Article 6(1)(e) is amended to read:

- “e) authorise the Director-General to negotiate co-operation agreements with non-Member States and with their national scientific and technical agencies; it may authorise the Director-General to conclude such agreements;”.

A new Article 6(1)(g) is inserted:

- “g) decide on any transfer of the ECMWF headquarters, in accordance with Article 1(5).”

Article 6(2)(b): The word “approve” is replaced by “endorse”. The word “Director” is replaced by “Director-General”.

A new Article 6(2)(c) is inserted:

“c) adopt, subject to paragraph 1(a), the programme of the activities of the Centre, in accordance with Article 11(1)”.

Remaining sub-articles re-numbered.

Re-numbered Article 6(2)(d): The word “Director” is replaced by “Director-General”.

New Articles 6(2)(e), (f), (g) and (h) are inserted:

“e) adopt the Procedure for Optional Programmes in accordance with Article 11(3);

f) adopt individual Optional Programmes in accordance with Article 11(3);

g) approve activities requested by third parties in accordance with Article 2(5);

h) decide on the distribution policy for the Centre’s products and other results of its work.”,

and remaining sub-articles are re-numbered.

New Article 6(2)(l) is inserted:

“l) determine, in accordance with Article 1(6), the extent to which the official and working languages shall respectively be used.”;

Article 6(3)(d): The word “Director” is replaced by “Director-General”.

Article 6(3)e: In the Dutch version, the expression ‘financiële commissarisen’ is replaced by ‘accountants’.

Article 6(3)(f): The word “Director” is replaced by “Director-General”.

Article 6(3)(g): In the Italian version, the expression “Comitato consultivo scientifico” is replaced by “Comitato Scientifico Consultivo”. In the Dutch version, the expression ‘het Wetenschappelijk Raadgevend Comité is replaced by ‘de Wetenschappelijke Adviescommissie’.

Original Article 6(3)(i) is deleted and remaining sub-articles re-numbered.

Re-numbered Article 6(3)(i): The word “Director” is replaced by “Director-General”. In the Dutch version, the expression “verslag van de financiële commissarissen” is replaced by “accountantsrapport”.

Re-numbered Article 6(3)(j) to read:

“j) shall authorise the Director-General to negotiate co-operation agreements with Member States, with their national scientific and technical agencies, and with governmental or non-governmental international scientific and technical organisations whose activities are related to the objectives of the Centre; it may authorise the Director-General to conclude such agreements;”.

Re-numbered Article 6(3)(k): 15(1) and (2) are amended to read 15(2) and (3).

A new Article 6(3)(o) is inserted:

“o) shall adopt the Long-term Strategy of the Centre in accordance with Article 11(2).”

ARTICLE 7

Article 7 is given a title: “The Scientific Advisory Committee”.

Article 7(1): The word “Director” is replaced by “Director-General”. In the English version, the word “Organisation” is replaced by “Organization”. In the Italian version, the expression “Comitato consultivo scientifico” is replaced by “Comitato Scientifico Consultivo”. In the Dutch version, the expression ‘het Wetenschappelijk Raadgevend Comité’ is replaced by ‘de Wetenschappelijke Adviescommissie’ and ‘het Comité’ by ‘de Commissie’ and the expression ‘Meteorologische Wereldorganisatie’ by ‘Wereld Meteorologische Organisatie’.

Article 7(2): The word “Director” is replaced by “Director-General” in two places.

ARTICLE 8

Article 8 is given a title: “The Finance Committee”.

Article 8(1): In the Italian version, the expression “Comitato finanziario” is replaced by “Comitato Finanze”. In the Dutch version, the expression ‘het Financiële Commissie’ and ‘het Comité’ by ‘de Commissie’.

Article 8(1)(b) is amended to read:

“b) representatives of the other Member States, appointed by them for a period of one year; each of these States may not be represented on the Committee more than twice in succession. The number of these representatives shall be one-fifth of the number of the other Member States.”

ARTICLE 9

Article 9 is given a title: “The Director-General”.

Article 9(1): The word “Director” is replaced by “Director-General” in two places.

Article 9(2): The word “Director” is replaced by “Director-General”.

Article 9(2)(c): is given the additional phrase “... and a Long-term Strategy ...”
In the Italian version, the expression “Comitato consultivo scientifico” is replaced by “Comitato Scientifico Consultivo”. In the Dutch version, the expression ‘het Wetenschappelijk Raadgevend Comité is replaced by ‘de Wetenschappelijke Adviescommissie’.

Article 9(2)(g): The reference to Article 6(3)(k) is amended to Article 6(3)(j). In the Dutch version, the word ‘doeleinden’ is replaced by ‘doelstellingen’.

Article 9(3): The word “Director” is replaced by “Director-General”.

ARTICLE 10

Article 10 is given a title: “The Staff”.

Article 10(3): In the Dutch version, the word ‘organisaties’ is replaced by ‘instanties’.

In Article 10(4) In the English version, the word “Comptroller” is replaced by “Controller”. In the Dutch version, the word “financiële controleur” is replaced by “Controller”.

Article 10(6): “Director” is replaced by “Director-General”.

Article 10(7): “Director” is replaced by “Director-General” in two places.

ARTICLE 11

Article 11 is given a title: “The Programme of Activities, the Long-term Strategy and Optional Programmes”.

Existing paragraphs are grouped together as Article 11(1).

Article 11(1): “Director” is replaced by “Director-General”. The reference to Article 6(3)(i) is amended to Article 6(2)(c) in two places.

Article 11(1)(b): The reference to Article 6(3)(i) is amended to Article 6(2)(c).

New Articles 11(2) and (3) are inserted:

“2. A Long-term Strategy of the Centre shall be prepared at times and for periods as decided by the Council. Its preparation shall be considered by Council at least every five years. The Long-term Strategy shall contain a view of the Centre’s strategic goals and indicate the direction foreseen for the development of the Centre’s work for the duration of the Strategy.

The Strategy shall be adopted by the Council acting on a proposal from the Director-General in accordance with Article 6(3)(o).

3. An Optional Programme is a Programme proposed by a Member State or group of Member States in which all Member States participate apart from those that formally declare themselves to be non-participating States and which contributes to the purposes and objectives of the Centre in accordance with Articles 2(1) and 2(2).

- a) The procedure for Optional Programmes shall be adopted by the Council in accordance with Article 6(2)(e).
- b) Individual Optional Programmes shall be adopted by the Council in accordance with Article 6(2)(f).”

ARTICLE 12

Article 12 is given a title: “The Budget”.

Article 12(3): The word “approve” is amended to read “endorse”.

Article 12(4)(b): “Director” is replaced by “Director-General”.

Article 12(5): “Director” is replaced by “Director-General”.

ARTICLE 13:

Article 13 is given a title: “The Contributions of Member States”.

Article 13(1): The phrase “gross national product” is replaced by “gross national income”.

Article 13(2): The phrase “gross national product” is replaced by “gross national income”.

ARTICLE 14

Article 14 is given a title: “The Audit”.

In the Dutch version, the expression ‘financiële commissarissen’ is replaced by ‘accountants’ in four places.

Article 14(2): In the Italian version, the expression “Comitato finanziario” is replaced by “Comitato Finanze”. In the Dutch version, the expression ‘het Financieel Comité’ is replaced by ‘de Financiële Commissie’.

Article 14(3): “Director” is replaced by “Director-General”.

ARTICLE 15

Article 15 is given a title: “Property rights and licences”.

A new Article 15(1) is inserted:

“1. ECMWF shall have world-wide exclusive ownership of all its products and other results of its activities.”,

and the remaining three articles are re-numbered.

Re-numbered Article 15(3): The reference to paragraph 1 is amended to paragraph 2.

Re-numbered Article 15(4): The reference to paragraph 1 is amended to paragraph 2 and the reference to Article 6(3)(l) is amended to Article 6(3)(k).

ARTICLE 16

Article 16 is given a title: “Privileges and immunities, and liabilities”.

ARTICLE 17

Article 17 is given a title: “Disputes”.

ARTICLE 18

Article 18 is given a title: “Amendments to the Convention”.

Article 18(1): “Director” is replaced by “Director-General” in two places, and the reference to Article 6(3)(n) is amended to Article 6(3)(m).

Article 18(2): The phrase “European Communities” is amended to “European Union”.

ARTICLE 19

Article 19 is given a title: “Denunciation of the Convention”.

Article 19(1): The phrase “European Communities” is amended to “European Union”.

Article 19(2): The phrase “takes effect” is inserted in two places after the word “denunciation”.

Article 19(3): The reference to Article 6(2)(d) is amended to Article 6(2)(i).

ARTICLE 20

Article 20 is given a title: “Non-fulfilment of obligations”.

ARTICLE 21

Article 21 is given a title: “Dissolution of the Centre”.

Article 21(1): The reference to Article 6(2)(e) is amended to Article 6(2)(j).

Article 21(3): The reference to Article 6(2)(e) is amended to Article 6(2)(j).

ARTICLE 22

Article 22 is given a title: “Entry into force”.

ARTICLE 23

Article 23 is given a title: “Accession of States”.

Paragraphs are numbered.

Articles 23(1) and (2) are amended to read:

“1. After the entry into force of this Convention, any State which is not a Signatory may accede to this Convention, subject to the consent of the Council acting in accordance with Article 6(1)(b). 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 6(1)(b).

2. Instruments of accession shall be deposited in the archives of the General Secretariat of the Council of the European Union. For each acceding State, this Convention shall enter into force on the first day of the second month following the deposit of its instrument of accession.”

ARTICLE 24

Article 24 is given a title: “Notification of signatures and related matters”.

The reference to “European Communities” is amended to “European Union”.

Article 24(e) is amended to read:

“e) the adoption and entry into force of any amendment;”.

The last paragraph of Article 24 is amended to read:

“As soon as this Convention enters into force and any amendments to it enter into force, the Secretary-General of the Council of the European Union shall register them with the General Secretariat of the United Nations, in accordance with Article 102 of the Charter of the United Nations.”

ARTICLE 25

Article 25 is given a title: “The first Financial Year”.

Article 25(3): In the Italian version, the expression “Comitato consultivo scientifico” is replaced by “Comitato Scientifico Consultivo”. In the Dutch version, the expression ‘Wetenschappelijke Raadgevend Comité’ is replaced by ‘Wetenschappelijke Adviescommissie’.

ARTICLE 26

Article 26 is given a title: “Deposit of Convention”.

Article 26 is amended to read:

“This Convention, and all amendments to it, drawn up in a single original in Dutch, English, French, German, Italian, Danish, Finnish, Irish, Greek, Norwegian, Portuguese, Spanish, Swedish and Turkish, all texts being equally

authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union, which shall transmit a certified copy to the Government of each signatory or acceding State”.

**PROTOCOL
ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN
CENTRE FOR MEDIUM-RANGE WEATHER FORECASTS**

The Protocol is amended by replacing the word “Director” by “Director-General” throughout the Protocol.



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