

No. 44962*

**Netherlands
and
European Space Agency**

Agreement between the Kingdom of the Netherlands and the European Space Agency concerning the European Space Research Technology Centre (with note). The Hague, 21 February 2008

Entry into force: *21 February 2008 by signature, in accordance with article 26*

Authentic texts: *English and French*

Registration with the Secretariat of the United Nations: *Netherlands, 28 May 2008*

**Pays-Bas
et
Agence spatiale européenne**

Accord entre le Royaume des Pays-Bas et l'Agence spatiale européenne concernant le Centre européen de recherche et de technologie spatiales (avec note). La Haye, 21 février 2008

Entrée en vigueur : *21 février 2008 par signature, conformément à l'article 26*

Textes authentiques : *anglais et français*

Enregistrement auprès du Secrétariat des Nations Unies : *Pays-Bas, 28 mai 2008*

* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. Their final UNTS version is not yet available.*

Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Leur version finale RTNU n'est pas encore disponible.

[ENGLISH TEXT – TEXTE ANGLAIS]

1 (2008) Nr. 1

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2008 Nr. 33

A TITEL

*Verdrag tussen het Koninkrijk der Nederlanden en het Europees
Ruimte Agentschap inzake het Europees Centrum voor onderzoek en
technologie-ontwikkeling op ruimtevaartgebied;
's-Gravenhage, 21 februari 2008*

B TEKST¹⁾

**Agreement between the Kingdom of the Netherlands and the
European Space Agency concerning the European Space Research
Technology Centre**

The Kingdom of the Netherlands,

and

the European Space Agency

Having regard to the Convention for the establishment of a European Space Agency of 30 May 1975, and in particular to its Article VI and its Annex I on Privileges and Immunities;

Having regard to the Agreement between the European Space Agency and the Kingdom of the Netherlands concerning the European Space Research Technology Centre of 10 February 1999;

Having regard to the Agreement between the Kingdom of the Netherlands and the European Space Agency regarding the registration of apprentices, who have been accepted by the European Space Agency into its apprenticeship programme in the Netherlands of 23 July 2004;

¹⁾ De Franse tekst is niet afgedrukt.

Considering the need to adapt the Agreement between the European Space Agency and the Kingdom of the Netherlands concerning the European Space Research Technology Centre of 10 February 1999 to the present circumstances;

Having regard in particular to Article XV.3 of the Convention for the establishment of a European Space Agency of 30 May 1975 and to Article XXVIII of Annex I thereto;

Have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement:

- a) "Convention" means the Convention for the establishment of a European Space Agency of 30 May 1975;
- b) "Director General" means the Director General referred to in Article XII, paragraph 1 b) of the Convention;
- c) "the Agency" means the European Space Agency;
- d) "ESTEC" means the European Space Research Technology Centre of the Agency located in the Netherlands;
- e) "Staff member" means a member of the staff of the Agency exercising his functions in the Netherlands who has been appointed further to Article XII of the Convention;
- f) "Experts" means persons, referred to in Article XII, paragraph 3 d) of the Convention and Article XVII of Annex I of the Convention performing missions or tasks authorised by the Agency;
- g) "Government" means the Government of the Netherlands;
- h) "Member State" means a State party to the Convention pursuant to Article XX and XXII thereof;
- i) "Site" means the surface of land put at the disposal of the Agency, in accordance with the notarial deed of 9 November 1966, as amended by notarial deeds of 24 April 1994 and 16 November 2006;
- j) "Premises" means the site, the buildings, parts of buildings and land or facilities ancillary thereto, including installations and facilities made available to, or maintained, occupied or used by the Agency in the Netherlands for the performance of its official activities. The Agency shall communicate plans of these premises to the Government;
- k) "Representative of Member States" means the designated representative of a State party to the Convention;
- l) "Vienna Convention" means the Vienna Convention on Diplomatic Relations of 18 April 1961;
- m) "Members of the family forming part of a staff member's household" has the meaning specified in Article 11 of this Agreement.

Article 2

Application of Annex I to the Convention

For the pursuit of its official activities within the territory of the Netherlands, the Agency shall enjoy the privileges and immunities defined in Annex I to the Convention and in any relevant complementary agreement in force between the Government and the Agency in accordance with the provisions for its implementation, set out in this Agreement. This Agreement shall not detract from Annex I to the Convention.

Article 3

Rights incidental to use of the site

1. The Agency shall have the right to build, within the bounds of the site, such installations as it deems necessary for carrying out its activities. Unless otherwise agreed, it shall have exclusive ownership of such installations.

2. The Agency shall have the right to build roads as it deems necessary within the bounds of the site. It may in addition display such signs, plaques and flags as it deems appropriate.

3. The Agency shall have the right to enclose the site by a fence and to control entry. The rights to use the site include the accompanying rights of access necessary for use of the site by the Agency's staff, contractors and visitors.

4. As soon as a planned change in use or in the scale of activities undertaken at ESTEC results in the identification of requirements for expansion of the site or of the buildings thereon, the Agency shall consult with the Government through the Consultative Committee, referred to in Article 25. The Government shall make every effort to accommodate such requirements on terms which are not less favourable than those applicable to the site under this Agreement.

Article 4

Permits

The Government undertakes to issue in a timely fashion the necessary permits for the buildings and installations the Agency requires for its operation and their expansion as provided for in Article 3. Charges for permits shall be proportional to the service rendered.

Article 5

Communications

1. The Agency shall have the right to install and to operate telecommunications systems on the site. The Government shall arrange for the necessary authorisations to be issued in good time to the Agency for the installation and operation of fixed and mobile antennas and other equipment related to satellite communications and ensure that the Agency is able to make use of the radio frequencies it requires for its operations. Those frequencies shall be chosen by the Agency in agreement with the competent authorities of the Netherlands and in accordance with the rules of the International Telecommunications Union. The competent authorities of the Netherlands shall be responsible for taking any necessary national or international steps.

The Agency shall enjoy the same protection as the State's radio communications from interference caused by radio transmissions under the Government's control and, as far as possible, by electrical equipment and installations outside ESTEC.

In accordance with the rules of the International Telecommunications Union, the Government shall use its best endeavours to ensure that any interference caused by radio transmissions that are not under its control is eliminated.

2. The Agency shall be consulted if any new air traffic route passing over the site is proposed.

Article 6

Inviolability of the premises

1. Any person authorised to enter any place under any legal provision shall not exercise that authority in respect of the premises of the Agency unless permission to do so has been given by or on behalf of the Director General of the Agency or the Head of ESTEC acting on his behalf. Such permission may, however, be presumed in the event of fire or other emergencies requiring prompt protective action. Any person who has entered the premises with the presumed permission of the Director General of the Agency or the Head of ESTEC acting on his behalf shall, if so requested by the Director General of the Agency or the Head of ESTEC acting on his behalf, leave the premises immediately.

2. In other cases, the Director General of the Agency or the Head of ESTEC acting on his behalf shall give serious consideration to a request for permission from the authorities of the Netherlands to enter the premises without prejudice to the interests of the Agency.