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**Estonia
and
European Space Agency**

European Cooperating State Agreement between the Republic of Estonia and the European Space Agency (with appendices). Tallinn, 10 November 2009

Entry into force: *22 September 2010, in accordance with article 14*

Authentic texts: *English and Estonian*

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**Estonie
et
Agence spatiale européenne**

Accord d'État coopérant européen entre la République d'Estonie et l'Agence spatiale européenne (avec appendices). Tallin, 10 novembre 2009

Entrée en vigueur : *22 septembre 2010, conformément à l'article 14*

Textes authentiques : *anglais et estonien*

Enregistrement auprès du Secrétariat des Nations Unies : *Estonie, 3 août 2011*

European Cooperating State Agreement

between

the Republic of Estonia

and

the European Space Agency

The Republic of Estonia,

and

the European Space Agency, hereinafter referred to as "the Agency", established by the Convention opened for signature in Paris on 30 May 1975, hereinafter referred to as "the Convention",

hereinafter referred to as the "Parties",

CONVINCED of the benefits of sustaining and enhancing the level of international cooperation in space activities for exclusively peaceful purposes,

HAVING REGARD to the results of the cooperation achieved under the Agreement between the Republic of Estonia and the Agency signed on 20 June 2007 and entered into force on the date of its signature,

HAVING REGARD to the Resolution on the implementation of measures concerning the European Cooperating States (ECS) adopted by the Agency Council on 21 March 2001 (ESA/C/CL/Res. 2 (Final)), by which the Agency introduced a new cooperative approach designed for European non-Member States with a view to their possible accession to the Convention,

CONSIDERING the wish expressed by the Republic of Estonia to implement the European space policy and to strengthen its cooperation with the Agency within the frame of this new ECS cooperative approach,

HAVING REGARD to Articles II and XIV.1 of the Convention,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

- 1.1 Through the present Agreement, the Agency and the Republic of Estonia agree to cooperate in space activities, in accordance with the terms herein. For the purpose of such cooperation, upon entry into force of this Agreement, the Republic of Estonia shall become a European Cooperating State (hereinafter referred to as "ECS"). The Republic of Estonia hereby acknowledges and accepts that the Agency establishes cooperation agreements with other non-Member States *similar to the present Agreement*, thus also qualifying such other States as ECS's.
- 1.2 The Republic of Estonia agrees that, at all levels of its cooperation with the Agency as an ECS, it will act in conformity with the purposes for which the Agency was created as defined in the Convention, in particular the exploration and utilisation of space for exclusively peaceful purposes.

ARTICLE 2

- 2.1 The Republic of Estonia shall be associated with implementation of the Agency's jointly selected programmes and activities, exclusive of the Agency's basic technology research programme, through its financial contribution to the Plan for European Cooperating States (hereinafter referred to as "PECS"), the content of which shall be mutually agreed with the Agency, subject to the other provisions of the Agreement.
- 2.2 The Republic of Estonia shall also receive Announcements of Opportunity for Agency scientific missions allowing it to propose the procurement of instruments to be integrated in these Agency missions at Principal Investigator (PI) or Co-Investigator (CI) level.

ARTICLE 3

- 3.1 Subject to the terms of Article 7 and the prior requirements and obligations of the Agency, the Republic of Estonia shall, under the present Agreement, have access on a cost-reimbursable basis to the Agency's facilities and services for its national space projects. The methods used in calculating costs shall be those applied to the Agency's Member States when utilising Agency facilities and services for their own national space projects. In return, the Republic of Estonia shall make its facilities and services available to the Agency and its Member States on equitable terms.
- 3.2 In developing its national space potential and in planning national space missions, the Republic of Estonia shall make primary reference to the use of European space transportation systems, and of facilities, products and services belonging to, or developed or operated under the auspices of, the Agency or its Member States. The Republic of Estonia shall, further, support the Agency's efforts to promote the use of European transportation systems, facilities, products and services by those international bodies to which it belongs that employ systems or services with a space-based component.

ARTICLE 4

- 4.1 For the purposes of this Agreement "Intellectual Property" has the meaning stated in Article 2 of the Convention establishing the World Intellectual Property Organisation, done in Stockholm, 14 July 1967.
- 4.2 The Parties shall ensure adequate and effective protection of Intellectual Property as may arise from the work done under this cooperation Agreement and of any pre-existing rights that may come into play in the course of such cooperation.

- 4.3 The specific provisions concerning the rights of access, dissemination and use of technical information and data as well as intellectual property developed under the present Agreement, shall follow the Agency's rules and procedures.
- 4.4 The Parties shall strive, within the framework of the legislation or regulations applicable to each of them, to facilitate exchanges of scientific and technical information, data and goods, of mutual interest concerning space science, technology and applications necessary for the implementation of the present Agreement.

ARTICLE 5

- 5.1 The Republic of Estonia and the Agency shall exchange information concerning:
 - a) the content and planning of their current and future space programmes;
 - b) matters of scientific and technical interest arising out of their space activities. In particular, the Republic of Estonia shall receive reports published and made available by the Agency, as well as information relating to the progress of Agency programmes.
- 5.2 Provision of any Agency information shall in all cases be subject to the observance by the Republic of Estonia of any proprietary rights to the information, while the Republic of Estonia further undertakes not to disseminate information that is classified subject to non-disclosure Agreements signed with the Agency or is not otherwise generally available beyond the territories of Republic of Estonia and the Agency's Member States, whether directly or through intermediaries operating within or outside those territories.
- 5.3 The Republic of Estonia 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 agreements with third parties, or the conditions under which such information was obtained.
- 5.4 The Republic of Estonia and the Agency shall, as appropriate, exchange experts concerned with work within the competence of the Agency, in conformity with the laws and regulations relating to the entry into, stay in or departure from the Republic of Estonia.
- 5.5 The Republic of Estonia shall have access to the Agency's young graduate and fellowship programmes, subject to conditions to be mutually agreed.
- 5.6 The Republic of Estonia and the Agency shall also consult together when they are represented at international organisations, conferences and