

No. 49684

**Israel
and
European Organization for Nuclear Research**

Agreement between the Government of the State of Israel and the European Organization for Nuclear Research (CERN) concerning the granting of the status of associate membership as the pre-stage to membership at CERN (with annex). Geneva, 16 September 2011

Entry into force: *10 December 2011 by notification, in accordance with article V*

Authentic texts: *English, French and Hebrew*

Registration with the Secretariat of the United Nations: *Israel, 20 July 2012*

**Israël
et
Organisation européenne pour la recherche nucléaire**

Accord entre l'Organisation européenne pour la recherche nucléaire (CERN) et le Gouvernement de l'État d'Israël concernant l'octroi du statut d'État membre associé en phase préalable à l'adhésion au CERN (avec annexe). Genève, 16 septembre 2011

Entrée en vigueur : *10 décembre 2011 par notification, conformément à l'article V*

Textes authentiques : *anglais, français et hébreu*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Israël, 20 juillet 2012*

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE STATE OF ISRAEL
AND
THE EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH
(CERN)
CONCERNING
THE GRANTING OF THE STATUS OF ASSOCIATE MEMBERSHIP
AS THE PRE-STAGE TO MEMBERSHIP AT CERN**

The Government of the State of Israel ("Israel"), represented by the Ambassador and Permanent Representative of Israel to the United Nations Office and other international organizations in Geneva, Switzerland,

on the one hand,

and

The European Organization for Nuclear Research ("CERN" or "the Organization"), an Intergovernmental Organization having its seat at Geneva, Switzerland, represented by the Director-General ("the Director-General"),

on the other hand,

hereinafter jointly referred to as "the Parties",

CONSIDERING

The CERN Convention dated 1 July 1953 as amended on 17 January 1971 (hereinafter referred to as "the Convention");

The long-standing involvement of Israel in the scientific programme of CERN;

Israel's significant contributions to the infrastructure of the Organization, in cash as well as through industrial products provided in accordance with CERN's purchasing rules, representing, at the date of this Agreement, a combined value in excess of 30 million Swiss francs;

That the above mentioned co-operation was laid down in a series of Protocols to the Co-operation Agreement, concluded by the Parties on 8 September 1990 and revised and renewed on 4 September 1995, 20 December 2000, and most recently on 4 December 2006 with effect from 7 May 2007;

The decision dated 21 June 1991 by which the CERN Council ("the Council") granted Observer status to Israel;

The increasingly global nature of particle physics and the initiation of a comprehensive review by the Council in June 2008 of the Organization's membership policy, followed by its decision, in December 2008, to set up the Working Group on the Scientific and Geographical Enlargement of CERN;

The wish of Israel to apply to become a Member State of CERN as expressed in the letter dated 2 December 2008 to the President of the Council;

The detailed application file, as required by the applicable rules at CERN, addressed by Israel to the President of the Council in a letter dated 14 May 2009;

The decision taken by the Council at its Session of 18/19 June 2009 to postpone consideration of applications for Membership, pending submission of the final report by the Working Group on the Scientific and Geographical Enlargement of CERN, as communicated to Israel in the letter dated 23 June 2009 from the President of the Council;

The decision by the Council to proceed with the technical verification and fact-finding regarding Membership applications received, without prejudice to the outcome of the ongoing examination by the Working Group on the Scientific and Geographical Enlargement of CERN, as communicated in a letter dated 19 December 2009 from the President of the Council to the Vice Prime Minister and Minister of Foreign Affairs of Israel;

The Resolution by the Council dated 17 June 2010 (as set out in Annex 3 to the "Report on Geographical Enlargement of CERN", CERN/2918/Rev.) by which it opened Membership to all States, irrespective of geographical location, and created the status of Associate Member;

That the status of Associate Member comprises regular Associate Membership ("Associate Membership") as well as Associate Membership as the pre-stage to Membership, it being understood that, subject to compliance with the applicable criteria and procedures, States that fall within the former category may transit to the latter status;

The approval by the Council at its Session of 16 December 2010 of model agreements for the granting of the status of Associate Membership and of Associate Membership as the pre-stage to Membership, and of conditions for the payment of the special contribution payable by new Member States;

The confirmation of the Council's interest in the Membership of all the Applicant States, its recognition, in line with the conclusions of the Fact Finding Working Group, that all the Applicant States fulfill the technical Membership criteria and, as a result, its authorization to the Director-General to enter into negotiations with those States with a view to granting them the status of Associate Membership as the pre-stage to Membership on the basis of the new conditions and procedures for accession approved by the Council at its Sessions of June and December 2010;

That the above-mentioned authorization of the Director General was subject to receipt by CERN of confirmation in writing by the applicant States, without reservation, that their applications remained valid on the basis of the aforementioned new conditions and procedures;

HAVING REGARD TO

The letter dated 20 January 2011 addressed by the Director-General of CERN to the Ambassador and Permanent Representative of Israel to the United Nations Office and other international organizations in Geneva, conveying the new conditions and procedures and inviting Israel to provide the confirmation required by the Council;

The letter dated 15 March 2011 by the Deputy Prime Minister and Minister of Foreign Affairs of Israel addressed to the Director-General of CERN confirming the continued validity of Israel's application for Membership on the basis of the new conditions and procedures decided by the Council in June and December 2010;

The negotiations between Israel and CERN within the scope provided by the Council's decisions;

The Resolution by the Council dated 15 September 2011 (CERN/2985/RA), by which it admits Israel as Associate Member State in the pre-stage to Membership, subject to the provisions and entry into force of this Agreement,

HAVE AGREED AS FOLLOWS:

ARTICLE I

Purpose

In application of the Council Resolution referred to above, this Agreement (including the Annex, which is an integral part of this Agreement) sets out the rights and obligations of the Parties corresponding to the status of Associate Membership as the pre-stage to Membership of Israel. In entering into this Agreement, Israel accepts such rights and obligations as well as those resulting from the legal framework of the Organization, as laid down in particular in the Convention, the Organization's rules and regulations and the decisions of its organs. Israel's status of Associate Membership as the pre-stage to Membership shall not exceed a period of five years.

ARTICLE II

Rights

II.1 Participation in CERN's Programmes

Israel may participate in the Organization's scientific programme as well as in its training and education programmes.

II.2 Attendance at the Council and its Committees

Regular Council Sessions

Israel shall be entitled to be represented, except at Closed Sessions. The number and the qualifications of its representatives shall be in accordance with the rules applicable to Member State representation. Israel shall not have voting rights but may ask for the floor and make statements without having to be formally invited to do so.

European Strategy Sessions of the Council

Israel shall be entitled to be represented, except at Closed Sessions. The number and the qualifications of its representatives shall be in accordance with the rules applicable to Member State representation. Israel shall not have voting rights but may ask for the floor and make statements without having to be formally invited to do so.

Finance Committee Meetings

Israel shall be entitled to be represented at meetings of the Finance Committee. The number and the qualifications of its representatives shall be in accordance with the rules applicable to Member State representation. Israel shall not enjoy formal voting rights but may ask for the floor and make statements without having to be formally invited to do so. It may also express an opinion on any matter that is the subject of a formal vote by the Finance Committee with a view to a recommendation to the Council, and this opinion will be recorded and transmitted to the Council, for information, together with the recommendation. Israel may participate in straw votes.

Scientific Policy Committee Meetings

The scientific representative to the Council of Israel shall be entitled to attend meetings in normal mode as an observer.

II.3 Eligibility for Appointment as Staff, Fellows, Students and Associates

Subject to Article II.5 below, nationals of Israel may apply for appointment as staff members on contracts of limited duration, as fellows, students and associates. Their selection and appointment shall be subject to the Organization's standard principles and policies and to the Staff Rules and Regulations. In exceptional cases, the Director-General may decide to permit nationals of Israel to apply for indefinite staff member contracts, always subject to the same criteria as those referred to in the previous sentence and to Article II.5 below.

II.4 Eligibility for Industrial Participation

Subject to Article II.5 below, firms offering goods and services originating from Israel shall be entitled to bid for CERN contracts, subject to the application, *mutatis mutandis*, of the purchasing rules and procedures of CERN (as currently set out in Annex 1 to the Regulations for the Implementation of the Financial Rules CERN/FC/5305-CERN/2822). Israel may appoint an Industrial Liaison Officer.

II.5 Ceiling and Detailed Arrangements

The combined financial value of the appointments and the contracts referred to in Articles II.3 and II.4 above shall in no event exceed the amount of Israel's financial contribution under this Agreement. Detailed arrangements shall be determined by the Organization. This Article does not constitute any commitment as to whether the ceiling referred to in this Article can or will be reached.