

No. 9665

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
EUROPEAN SPACE RESEARCH ORGANISATION**

**Exchange of notes constituting an agreement concerning
the use of the ESRO launching range (ESRANGE)
by the United Kingdom for a Special Project. Paris,
30 January 1969**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 24 June 1969.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**et
ORGANISATION EUROPÉENNE
DE RECHERCHES SPATIALES**

**Échange de notes constituant un accord concernant
l'usage de la base de lancement du CERS (ESRANGE)
par le Royaume-Uni pour un projet spécial. Paris,
30 janvier 1969**

Texte authentique: anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 24 juin 1969.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE EUROPEAN SPACE RESEARCH
ORGANISATION CONCERNING THE USE OF THE
ESRO LAUNCHING RANGE (ESRANGE) BY THE
UNITED KINGDOM FOR A SPECIAL PROJECT

I

*The Director-General of the European Space Research Organisation
to Her Majesty's Ambassador at Paris*

JUR/3-4-7/DRK/AS/175

Neuilly, 30 January, 1969

Your Excellency,

I have the honour to refer to the request by the United Kingdom to use the launching range (ESRANGE), situated at Kiruna in Sweden, of the European Space Research Organisation (ESRO) for a launching campaign which will take place at the beginning of 1969 (hereinafter referred to as "the Special Project").

The ESRO Council at its Twenty-second Session has, in conformity with Article VIII of the Convention for the Establishment of ESRO² and with the ESRO Rules concerning the use of ESRANGE (ESRO/AF/604, rev. 3), accepted this request and has authorised me to conclude, on behalf of ESRO, an Agreement with the Government of the United Kingdom of Great Britain and Northern Ireland on the following terms and conditions :

1. The Special Project is described as follows :

It is intended to launch eight PETREL rockets.

The purpose of this campaign is to measure the electric field gradients in the lower ionosphere, to investigate the small scale structure of the ionisation and to measure flux and energy spectra of electrons and charged particles.

The experiments have been prepared by the University of Birmingham, the Radio and Space Research Station, the University of Sheffield and the University of Southampton.

¹ Came into force on 30 January 1969 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 528, p. 33.

2. For the purpose of responsibility under international law for damage caused by the execution of this Special Project, the provision by ESRO of its assistance and the use of its facilities do not change the character of the Special Project as a national activity of the United Kingdom.

3. The body responsible as user for the execution of the project is the Science Research Council of the United Kingdom (S.R.C.)

4. The costs arising from the launching campaign shall be established by ESRO in conformity with the rules concerning the use of ESRANGE (ESRO /AF /604, rev. 3), taking into account the relevant decision of the ESRO Council, and they shall be borne by the S.R.C.

5. The Government of the United Kingdom guarantees the entire project and in particular guarantees the reimbursement by the S.R.C. of all costs referred to in paragraph 4 above.

6. A contract to be concluded between ESRO and the S.R.C. shall settle all detailed technical, financial and legal conditions for the execution of the Special Project and ESRO shall send a copy of this to the Government of the United Kingdom.

7. (a) Any dispute arising out of the interpretation or application of the Agreement which cannot be settled directly between the Contracting Parties, may be submitted by either Contracting Party to an Arbitration Tribunal. If a Contracting Party intends to submit a dispute to an Arbitration Tribunal, it shall so notify the other party.

(b) The Government of the United Kingdom and ESRO shall each appoint one member of the said Tribunal. These two members shall designate their Chairman.

(c) If, within three months from the date of notification referred to in subparagraph (a) above, either Contracting Party fails to make the appointment referred to in subparagraph (b) above, the choice of the arbitrator should, on request of the other Contracting Party, be made by the President of the International Court of Justice. This shall also apply upon the request of either Contracting Party if within one month from the date of the appointment of the second arbitrator the first two arbitrators are unable to agree on the chairman to be appointed by them.

(d) The Tribunal shall determine its own procedure.

(e) No appeal shall lie against the award of the Arbitration Tribunal, which shall be final and binding on the parties. In case of dispute concerning the import or scope of the award it shall be incumbent upon the Arbitration Tribunal to interpret it at the request of either party.

If the foregoing terms and conditions are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to propose that the present letter, together with Your Excellency's reply to that effect, shall constitute the Agreement, for the execution of the

Special Project, between the European Space Research Organisation and the Government of the United Kingdom.

I have the honour to be Your Excellency's obedient Servant,

Hermann BONDI

II

*Her Majesty's Ambassador at Paris to the Director-General
of the European Space Research Organisation*

BRITISH EMBASSY

Paris, 30 January, 1969

Sir,

I have the honour to refer to your letter (reference JUR/3-4-7/DRK/AS/175) of today's date which reads as follows:

[See note I]

I have the honour to inform you that the foregoing terms and conditions are acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that your letter and the present reply shall constitute the Agreement, for the execution of the Special Project, between the European Space Research Organisation and the Government of the United Kingdom.

I have the honour to be Sir, Your obedient Servant,

Christopher SOAMES