

1355
No. 7902

**EUROPEAN ORGANISATION
FOR THE DEVELOPMENT AND CONSTRUCTION
OF SPACE VEHICLE LAUNCHERS
and
AUSTRALIA**

Agreement governing the conduct in Australia and territories under the authority of Australia of operations by the European Organisation for the Development and Construction of Space Vehicle Launchers (with exchange of letters). Done at Paris, on 13 July 1965

Official texts of the Agreement : English and French.

Official text of the letters: English.

Registered by the European Organisation for the Development and Construction of Space Vehicle Launchers on 24 August 1965.

**ORGANISATION EUROPÉENNE
POUR LA MISE AU POINT ET LA CONSTRUCTION
DE LANCEURS D'ENGINS SPATIAUX
et
AUSTRALIE**

Accord relatif à la conduite en Australie et dans les territoires sous autorité australienne des opérations de l'Organisation européenne pour la mise au point et la construction de lanceurs d'engins spatiaux (avec échange de lettres). Fait à Paris, le 13 juillet 1965

Textes officiels de l'Accord: anglais et français.

Texte officiel des lettres: anglais.

Enregistré par l'Organisation européenne pour la mise au point et la construction de lanceurs d'engins spatiaux le 24 août 1965.

No. 7902. AGREEMENT¹ BETWEEN THE EUROPEAN ORGANISATION FOR THE DEVELOPMENT AND CONSTRUCTION OF SPACE VEHICLE LAUNCHERS AND AUSTRALIA GOVERNING THE CONDUCT IN AUSTRALIA AND TERRITORIES UNDER THE AUTHORITY OF AUSTRALIA OF OPERATIONS BY THE EUROPEAN ORGANISATION FOR THE DEVELOPMENT AND CONSTRUCTION OF SPACE VEHICLE LAUNCHERS. DONE AT PARIS, ON 13 JULY 1965

This Agreement is made on the thirteenth day of July One thousand nine hundred and sixty-five between the EUROPEAN ORGANISATION FOR THE DEVELOPMENT AND CONSTRUCTION OF SPACE VEHICLE LAUNCHERS (hereinafter called "the Organisation") of the one part and the COMMONWEALTH OF AUSTRALIA (hereinafter called "the Commonwealth") of the other part.

WHEREAS the Organisation was established pursuant to a Convention² concluded at London on 29th of March 1962 on behalf of the Commonwealth, the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Italian Republic, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland (hereinafter called "the Convention");

AND WHEREAS it is provided in Article 17 of the Convention that subject to the provisions of the Convention all operations in connection with a programme of the Organisation shall be carried out in accordance with conditions agreed to between the Organisation and the Member State within whose jurisdiction the operations take place;

AND WHEREAS it is further provided in Article 16 of the Convention that certain firings in relation to the initial programme of the Organisation shall be conducted at Woomera, Australia;

AND WHEREAS the parties desire to record their agreement regarding the conditions under which operations shall be conducted at Woomera and in other areas under the authority of Australia;

AND WHEREAS by a further agreement between the Organisation and the Commonwealth provision is being made regarding the conditions under which facilities referred to in Article 5 of the Convention are to be used and disposed of;

Now it is hereby agreed between the parties as follows :

¹ Came into force on 13 July 1965, upon signature, in accordance with article 15.

² United Nations, *Treaty Series*, Vol. 507, p. 177.

Article 1

DEFINITIONS

In this Agreement unless the contrary intention appears :

“ Australia ” includes territories under the authority of the Commonwealth ;

“ facilities ” has the meaning assigned to it in the Annex referred to in Article 19 of the Convention ;

“ firing ” has the meaning assigned to it in the Annex referred to in Article 19 of the Convention and in addition includes static firings of one or more stages of the launcher ;

“ initial programme ” means the initial programme of the Organisation as described in Article 16 (1) of the Convention ;

“ space vehicle ” has the meaning assigned to it in the Annex referred to in Article 19 of the Convention ;

“ space vehicle launcher ” has the meaning assigned to it in the Annex referred to in Article 19 of the Convention and, in addition, includes a section or sections of a rocket coming within the meaning of that definition.

Article 2

AUTHORITIES

The Department of Supply (hereinafter called “ the Department ”) shall be the responsible authority of the Commonwealth for the purposes of this Agreement.

The Secretary General of the Organisation shall be the responsible authority of the Organisation for the purposes of this Agreement.

Article 3

ELDO CONVENTION, PROTOCOLS AND REGULATIONS

The obligations placed upon the Commonwealth and the Organisation under this Agreement shall be carried out within the framework of the provisions of the Convention of the Protocols thereunder and of such regulations adopted by the Council of the Organisation pursuant to the Convention as may be applicable to the operations covered by this Agreement insofar as these regulations are not inconsistent with this Agreement.

Article 4

GENERAL CONDITIONS FOR THE CONDUCT OF OPERATIONS

(1) As far as is practicable, operations in Australia in connection with a programme of the Organisation will be planned and conducted in accordance

with the established practices and procedures of the Department. In order to provide for variations from established practices and procedures which might be necessary, specifications relating to the planning and procedures for the conduct of the operations will be introduced by agreement between the Organisation and the Department.

(2) In accordance with Article 15 of the Convention the Organisation is responsible for :

- (i) the formulation and performance of programmes,
- (ii) the supervision of the execution of programmes,
- (iii) formulation of detailed plans and cost estimates for carrying out research, development and construction programmes including any associated firing programmes,
- (iv) the control of the execution of such plans.

(3) The Organisation may, in agreement with the Department, delegate to the Department the whole or parts of the task of preparation and issue of the detailed plans for the conduct of operations carried out on behalf of the Organisation in Australia. Such delegation shall not absolve the Organisation from its responsibility for planning and technical control.

(4) The Organisation shall recognize the authority of the Department for the overall management of the Range used for the Organisation's operations. Subject thereto, the Organisation shall exercise technical control and coordination of all operations carried out on its behalf.

(5) An officer nominated by the Department shall be appointed as Range Authority to be responsible for the range and supporting facilities which are made available to the Organisation by the Commonwealth, and for the prescription and execution of the necessary range safety measures. If so requested, the Range Authority shall inform the Secretary General or his appointed representative of the reasons for the issue of any directive which affects the conduct of the operations carried out on behalf of the Organisation.

Article 5

PARTICULAR FUNCTIONS OF THE ORGANISATION

The Organisation shall provide :

- (a) a general statement of the overall requirements of the Organisation;
- (b) (i) specifications covering the requirements for each firing,
(ii) advice of the information required by the Organisation from the Department in respect of each firing;

- (c) such further technical information as is required by the Department in order to discharge its responsibilities to the Organisation, or its functions on behalf of the Commonwealth;
- (d) space vehicle launchers with appropriate check-out and monitoring equipment as agreed;
- (e) other equipment including its installation, operation and maintenance as agreed between the Organisation and the Department;
- (f) personnel to carry out and accept responsibility for the supervision of the execution of the programme and for technical control and co-ordination of all activities carried out on behalf of the Organisation;
- (g) personnel to carry out and accept responsibility for preparation of the space vehicle launchers and associated equipment and for other activities as agreed between the Organisation and the Department and not vested in the Department by the terms of Article 6;
- (h) training of personnel of the Department as agreed.

Article 6

PARTICULAR FUNCTIONS OF THE DEPARTMENT ON BEHALF OF THE ORGANISATION

Subject to the provisions of Article 12 (1) the Department shall be responsible for :

- (a) (i) the provision and allocation as agreed between the Organisation and the Department of facilities made available to the Organisation by the Commonwealth in accordance with Article 18 of the Convention for the conduct of the operations carried out on behalf of the Organisation,
 - (ii) the construction of additional, and the modification of existing facilities as authorised by the Organisation;
- (b) the transportation of space vehicle launchers and associated equipment between the point of entry into Australia and the point of use;
- (c) provision as authorised by the Organisation of the propellants and services required for space vehicle launchers;
- (d) provision of personnel who will be incorporated in the ELDO Trials Team, as agreed between the Organisation and the Department;
- (e) the supply of the information required by the Organisation in respect of its operations in Australia;
- (f) the preparation of detailed plans, as agreed, in consultation with the Organisation and submission of such plans to the Organisation for approval;