

**No. 52701\***

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**Canada  
and  
European Space Agency**

**Agreement between Canada and the European Space Agency concerning co-operation.  
Montreal, 9 December 1978**

**Entry into force:** *9 December 1978 by signature, in accordance with article XIII*

**Authentic texts:** *English, French and German*

**Registration with the Secretariat of the United Nations:** *Canada, 13 May 2015*

**Note:** *See also annex A, No. 52701.*

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**Canada  
et  
Agence spatiale européenne**

**Accord entre le Canada et l'Agence spatiale européenne en matière de coopération.  
Montréal, 9 décembre 1978**

**Entrée en vigueur :** *9 décembre 1978 par signature, conformément à l'article XIII*

**Textes authentiques :** *anglais, français et allemand*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Canada, 13 mai 2015*

**Note :** *Voir aussi annexe A, No. 52701.*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT BETWEEN CANADA AND THE EUROPEAN SPACE AGENCY  
CONCERNING CO-OPERATION

The Government of Canada (hereinafter referred to as "Canada") and the European Space Research Organisation, established by the Convention opened for signature in Paris on June 14, 1962 (hereinafter referred to as "the Convention of June 14, 1962") and carrying out its activities since May 31, 1975 under the name of the European Space Agency (hereinafter referred to as "the Agency"),

CONSIDERING that Canada and the Agency are resolved to take the necessary measures to increase the degree of co-operation between them, for exclusively peaceful purposes, in the fields of space research and technology and their space applications,

NOTING the intention of Canada to participate in the Agency's telecommunications programmes,

RECALLING that Canada enjoyed observer status in the European Space Conference and enjoys observer status in the Agency,

HAVING REGARD to Article XIII of the Convention of June 14, 1962,

HAVING REGARD to the Convention for the establishment of a European Space Agency, opened for signature in Paris on May 30, 1975 (hereinafter referred to as "the Convention"),

HAVING REGARD to Resolution No. 1 appended to the Final Act of the Conference of Plenipotentiaries for the establishment of a European Space Agency,

HAVE AGREED AS FOLLOWS:

ARTICLE I

The purpose of this Agreement is to establish the framework for the co-operation of Canada in the Agency's activities as an important step towards closer relations between Canada and the Agency.

ARTICLE II

1. Canada shall participate in the general studies concerning future projects which are part of the Agency's basic activities.
2. Canada shall contribute to the costs incurred in the execution of these studies at the rate calculated on the basis of its average national income.
3. The above contribution of Canada shall be updated and paid in conformity with the Agency's current rules and procedures.

ARTICLE III

Canada may also participate in other parts of the Agency's mandatory, optional or operational activities in accordance with detailed arrangements to be concluded in each case between Canada and the Agency.

ARTICLE IV

Canada shall contribute annually 1 per cent to the net fixed common costs included in the Agency's general budget. This percentage contribution will be increased in the light of the evolution of Canada's participation in the Agency's activities in addition to those referred to in Article II, paragraph 1.

ARTICLE V

Canada shall participate in the meetings of the Agency's delegate bodies in accordance with the following provisions:

- (a) Canada may be represented on the Council of the Agency by not more than two delegates, who may be accompanied by advisers. These delegates shall have the right to vote on questions relating to the activities referred to in Article II, paragraph 1 or to any other activity in which Canada may participate in the future on the basis of this Agreement, and they shall have the right to be heard on other questions.
- (b) Canada shall have the right to be heard in those subordinate bodies of the Agency that are competent in any capacity to deal with activities referred to in Article II, paragraph 1 or with any other activity in which Canada may participate in the future on the basis of this Agreement, whenever such bodies examine questions relating to those activities and to vote when related decisions are taken.

- (c) Canada shall be represented, with the right to vote, on the Programme Boards of the Agency for those optional activities in which Canada participates, in accordance with the detailed arrangements referred to in Article III.
- (d) Canada may ask to be represented in an observer capacity at meetings of any subordinate body or Programme Board when dealing with other matters.

#### ARTICLE VI

The Agency shall endeavour to ensure a fair industrial return to Canada, to the same extent as provided to Member States, with respect to the geographical distribution of work relating to the activities in which Canada participates.

#### ARTICLE VII

Canada shall have access, to the same extent as provided to Member States, to information, including contractual reports, relating to the activities in which Canada participates.

#### ARTICLE VIII

1. The Agency shall have the legal capacity of a body corporate in Canada.
2. Canada shall grant to the Agency the following privileges:
  - (a) Goods imported or exported by the Agency or on its behalf, and strictly necessary for the exercise of its official activities, shall be exempt from all customs, duties and other taxes or charges, and from all import and export prohibitions and restrictions.
  - (b) The Agency shall be entitled to remission or reimbursement of the amount of duties and taxes levied on major purchases made by the Agency, or on its behalf, and strictly necessary for the exercise of the official activities of the Agency.
  - (c) The Agency, its property and income shall be exempt from direct taxes.
  - (d) Salaries and emoluments paid by the Agency to members of its staff shall be exempt from national income tax, except for Canadian citizens residing or ordinarily resident in Canada.

#### ARTICLE IX

Canada and the Agency may by mutual agreement revise the provisions of this Agreement, in particular to improve its implementation on the basis of experience or to increase the degree of co-operation between Canada and the Agency.

ARTICLE X

Canada shall consider, to the extent that it is consistent with its policy, making use for its own purposes of the space facilities, services and products of the Agency and of its Member States, developed within the framework of the Agency, including launching means. On their side, the Agency and its Member States shall consider to the extent that it is consistent with their policies, making use for their own purposes of Canadian space facilities, services and products.

ARTICLE XI

1. Canada and the Agency shall study problems of common interest, exchange general information on their space programmes and projects with a view to identifying areas of co-ordination and collaboration, and shall endeavour to consult regularly on space matters.
2. Canada and the Agency shall, in accordance with their respective rules exchange scientific and technical reports.

ARTICLE XII

Where a dispute arises in relation to the application or interpretation of this Agreement which cannot be settled amicably between the Parties, it shall, at the request of either Party, be submitted to arbitration. The Parties agree that, to this end and in anticipation of the entry into force of the Convention, the provisions of Article XVII of the Convention shall apply unless the Parties agree otherwise.

ARTICLE XIII

This Agreement shall enter into force on signature with effect from January 1, 1979.

ARTICLE XIV

1. This Agreement shall remain in force for a period of five years upon its entry into force. It may be terminated upon one year's written notice by either Party before the end of this period.
2. After the third year following the entry into force of this Agreement or earlier if the Parties so agree, the Parties will review jointly their co-operation under this Agreement and will consider the possibility of Canada becoming an associate member.
3. If, before the termination of this Agreement, Canada becomes an associate member, or accedes to the Convention, or if the Agency is dissolved, this Agreement shall terminate automatically on the date of Canada becoming an associate member, or of its accession to the Convention, or of the dissolution of the Agency.