

AGREEMENT BETWEEN

**THE EUROPEAN ORGANISATION FOR ASTRONOMICAL RESEARCH IN
THE SOUTHERN HEMISPHERE**

AND IRELAND

**CONCERNING THE ACCESSION
OF IRELAND**

**TO THE EUROPEAN ORGANISATION FOR ASTRONOMICAL RESEARCH
IN THE SOUTHERN HEMISPHERE**

Ireland,

and

The European Organisation for Astronomical Research in the Southern Hemisphere, (hereinafter referred to as “the Organisation”), established by the Convention establishing a European Organisation for Astronomical Research in the Southern Hemisphere, and the annexed Financial Protocol done at Paris on 5 October 1962 (hereinafter collectively referred to as “the Convention”).

NOTING that, according to Article XIII (4) of the Convention, a State admitted to the Organisation by unanimous vote of the Member States shall become a Member of the Organisation and Party to the Convention by depositing an instrument of accession with the Ministry of Foreign Affairs of the French Republic,

NOTING that, according to Article 30 of the Protocol on the Privileges and Immunities of the Organisation done at Paris on 12 July 1974 (hereinafter referred to as the “Protocol”), the Protocol is open for accession by any Party to the Convention by depositing an instrument of accession in the archives of the Government of the French Republic,

CONSIDERING that Ireland has applied to become a Member on 01.05.2018 of the Organisation and that the Council has approved unanimously the admission of Ireland at its 147th meeting held on 05.06.2018,

CONSIDERING the Decision of the Council determining the special contribution of Ireland in accordance with Article VII (3) of the Convention approved during the 147th meeting held on 05 - 06.06.2018,

CONSIDERING the Decision of the Council determining the annual financial contribution of Ireland in accordance with Article VII (1) of the Convention approved during the 147th Council meeting held on 05 - 06.06.2018,

NOTING the desire expressed by Ireland for Ireland to participate in ESO's entire programme,

WHEREAS the Organisation shall make all efforts to distribute the contracts as fairly as possible among the Member States, the Organisation will use its best endeavours to provide Irish companies and institutions with all manner of assistance and facilities to participate in the Organisation's Call for Tenders,

CONVINCED that the accession of Ireland to the Organisation will contribute to the achievement of the purposes set out in the Convention,

HAVE AGREED AS FOLLOWS:

ARTICLE 1: PURPOSE

The purpose of this Agreement is to establish the terms and conditions for accession of Ireland to the Organisation and to become Party to the Convention and the Protocol.

ARTICLE 2: MEMBERSHIP OF THE ORGANISATION

1. Ireland shall become a Member of the Organisation and a Party to the Convention as from the date of accession to the Convention as defined in Article 6, paragraph 2, of this Agreement (hereinafter referred to as "date of accession to the Convention").
2. Ireland shall become a Party to the Protocol as from the date of accession to the Protocol as defined in Article 6, paragraph 3, of this Agreement (hereinafter "date of accession to the Protocol").

ARTICLE 3: ACCESSION

1. As from the date of accession to the Convention, the provisions of the Convention shall be binding and applicable for Ireland.
2. As from the same date, Ireland shall have the same rights and obligations as the other Member States with regard to decisions and resolutions undertaken by the Council or, in delegation therefrom, by any auxiliary organ, and with regard to any agreement concluded by the Organisation.
3. As from the date of accession to the Protocol, the provisions of the Protocol shall be binding and applicable for Ireland.
4. Ireland shall take all appropriate measures to adapt its internal legislation and rules to the rights and obligations resulting from its accession to the Organisation.

ARTICLE 4: SPECIAL CONTRIBUTION

1. In accordance with the Decision of the Council determining the special contribution of Ireland approved during the 147th Council meeting held on 05-06.06.2018, adopted pursuant to Article VII (3) of the Convention, Ireland shall pay in cash to the Organisation a special contribution of €14,660,000 (in words: Fourteen Million Six Hundred Sixty Thousand Euros) in 2018 prices in total. This amount is firm and not subject to revision.
2. The special contribution amount shall be paid by Ireland to the Organisation in eleven instalments as set out below in Table 1:

Year	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
M Euro	0.25	1.441	1.441	1.441	1.441	1.441	1.441	1.441	1.441	1.441	1.441

Table 1

3. At the time of an invoice being issued by the Organisation the yearly instalments are subject to yearly indexation with respect to 2018, using the Organisation's cost-variation index updated annually and approved by the Council.
4. Table 1 assumes that the year of accession to the Convention is 2018. If the accession to the Convention takes place later than 2018, any indexed instalment from earlier year(s) shall be paid in the year of accession to the Convention.
5. For 2018 Ireland shall pay the yearly instalment within 30 natural days from the receipt of the invoice issued by the Organisation after the date of accession to the Convention.
6. For 2019 and subsequent years, Ireland shall pay the indexed yearly instalments as specified in Table 1 in paragraph 1 above within 30 natural days from the receipt of the invoice issued by the Organisation.
7. In the event of late payment, the Organisation shall charge Ireland with interest. The interest to be charged shall be calculated on that portion of Ireland's contribution which has not been paid within 90 days of the due date, as defined accordingly in paragraph 3 or 4 above. The interest rate used shall be the EURIBOR 3 months plus 1 percentage point. The Organisation shall inform Ireland of the interest due when making the call for the subsequent contributions. The modalities for payment of the interest will be defined on a case by case basis in consultation with Ireland.
8. Ireland shall be entitled to make early payments of some or all the yearly instalments in case this would be useful for Ireland. In such a case a new schedule of payments of the yearly instalments shall be agreed between Ireland and the Organisation.

ARTICLE 5: FINANCIAL CONTRIBUTION

1. The annual financial contributions of Ireland shall be calculated by the Organisation according to the principles laid out in Article VII (1) of the Convention as applied by the Council.
2. Notwithstanding paragraph 1 above, the annual financial contribution of Ireland for 2018 shall be €495,000 (in words: Four Hundred and Ninety-Five Thousand Euros), in accordance with the Decision of the Council, approved during the 147th meeting held on 05-06.06.2018.

ARTICLE 6: ENTRY INTO FORCE

1. This Agreement shall enter into force on the date of accession to the Convention.
2. In accordance with Article XIV (2) of the Convention, accession to the Convention shall become effective for Ireland on the date the instrument of accession is deposited with the Ministry of Foreign Affairs of the French Republic. Should the instrument of accession not be deposited before 31.12.2019 the terms and conditions of this Agreement can be renegotiated.
3. In accordance with Article 31 of the Protocol, accession to the Protocol shall become effective for Ireland on the date the instrument of accession is deposited in the archives of the Government of the French Republic but not before the accession to the Convention becomes effective.
4. Ireland shall notify the Organisation in writing about the completion of the accession procedure within 10 natural days after the instrument of accession has been deposited to the Ministry of Foreign Affairs of the French Republic.

ARTICLE 7: RESOLUTION OF DISPUTES

Failing an amicable settlement of any dispute between the Organisation and Ireland arising out of the application or interpretation of this Agreement, Article 26 of the Protocol shall be applicable by analogy.

ARTICLE 8: ANNEXES

1. The Convention, in the original French language version and translation into English, is Annex 1 to this Agreement. The French version is the authoritative version.
2. The Protocol, in the original French language version and translation into English, is Annex 2 to this Agreement. The French version is the authoritative version.
3. The Annexes are an integral part of this Agreement.