

Agreement on Cooperation in Astrophysics

The Government of the Kingdom of Spain, the Government of the Kingdom of Denmark, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Sweden;

Desiring to encourage relations of scientific cooperation between these countries;

Aware of the importance of this cooperation for the better development of relations between them;

Taking into account their common interest in encouraging research in the field of Astrophysics;

Recognising the benefits which may accrue to science from close international cooperation;

Recognising that there are in Spain, especially in Tenerife and La Palma, areas providing unique conditions for astronomical observation;

Bearing in mind the great interest shown by various European scientific Institutions in the installation of powerful telescopes on the Canary Islands;

Considering the decision by the Government of the Kingdom of Spain to make the observatories of the Astrophysical Institute of the Canary Islands available to the international scientific community on the Canary Islands and, in compliance with that decision, to authorise the use of such observatories by the scientific Institutions of the Contracting Parties for the purpose of astrophysical research on the terms laid down in this Agreement and provided that the Signatory Bodies named in Article 3 conclude a Protocol with the Higher Council of Scientific Research of Spain (hereinafter referred to as the CSIC);

Have agreed as follows:

Article 1

In this Agreement the following terms shall be used in the sense in which they are defined in this Article:

- (1) "Instituto de Astrofísica de Canarias" (hereinafter referred to as the IAC): a scientific institution belonging to the CSIC and set up by it with the collaboration of the University of La Laguna and the Mancomunidad Provincial Interinsular de Cabildos de Santa Cruz de Tenerife for the purpose of promoting Astrophysical Research on the Canary Islands and which includes the laboratories and equipment situated at La Laguna and the Observatories delimited in the Annex to this Agreement.
- (2) "Telescope installation": radiation collectors together with the instrumental services appertaining thereto and which are installed in the same building.

Agreement on Cooperation in Astrophysics

- (3) "Signatory Body": an organisation which, being established on the territory of one of the Contracting Parties, and having its nationality, is a signatory of the Protocol referred to in Article 3.
- (4) "User Institutions": the IAC, and those scientific organisations which, being established on the territory of one of the Contracting Parties and having its nationality, are authorised to use the installations and services of the IAC for astrophysical research by signing an agreement on telescope installations with the IAC
- (5) "Common facilities": the necessary facilities at the observatories available for the support of their infra-structure and their telescope installations.

Article 2

The Contracting Parties shall encourage cooperation for peaceful purposes in the field of Astrophysical Research between the scientific bodies of the respective countries.

Article 3

(1) For the development of this cooperation a Protocol shall be concluded regulating the concrete aspects of cooperation between the bodies listed hereunder and holding the nationality of the respective Contracting Parties:

The Higher Council of Scientific Research of Spain

The Research Administration of Denmark

The Science Research Council of the United Kingdom

The Royal Academy of Sciences of Sweden.

(2) Signature of this Agreement by the Contracting Parties shall imply approval of the Protocol by the competent authorities of each of the Contracting Parties in accordance with the established procedures in their respective countries.

(3) The Protocol may be amended by unanimous agreement between the Signatory Bodies.

Article 4

Cooperation in Astrophysics may be carried out inter alia in the following ways:

- (a) The exchange of information on scientific research in Astrophysics.
- (b) The exchange of scientists, experts and technical personnel.
- (c) The joint and coordinated implementation of programmes of technological research.
- (d) The joint and coordinated use of scientific and technical installations.
- (e) The installation and use of telescopes and instruments in the observatories of the IAC.

Article 5

The Protocol concluded in accordance with Article 3 and which refers to the joint and coordinated implementation of programmes of research and technological development and to the joint use of scientific and technical installations shall, in respect of the mutual relations between the Signatory Bodies, regulate:

- (a) The financing, equitably apportioned, of the expenditure incurred by the development of cooperation and the joint and coordinated implementation of programmes of research or technological development as well as by the use of scientific or technical installations.
- (b) The allocation of observing time:
 - (i) Spain shall have at its disposal at least 20% of the observing time of each of the telescopes and instruments installed in the observatories free of charge, except for the normal cost of the consumable material required for observations. This time, on the responsibility of the IAC, shall be for the use of Spanish institutions and other collaborating institutions of any nationality.
 - (ii) The allocation of at least an additional 5% of the observing time of each of the telescope installations to collaborative programmes between the User Institutions including the IAC. Each User Institution, and, with the agreement of the IAC, any Spanish institution, shall have the right to join in each such programme if it so wishes.
- (c) Cooperation in the training of Spanish scientific and technical personnel in the field of Astrophysics.
- (d) The agreements between the IAC and the other User Institutions concerning the use of land at the observatories for the telescopic installations and the use of the common facilities of the observatories.
- (e) The administrative system which shall give the Signatory Bodies a fair representation for the adoption of decisions concerning the establishment of common facilities and the maintenance and operating costs thereof.

Article 6

The observatories shall be devoted to astronomical research.

Article 7

(1) The land necessary for the establishment of the observatories and the laboratories at La Laguna shall be made available by the Spanish side to the IAC, while the Spanish entities and bodies which have transferred it for the purposes laid down in this Agreement shall retain full ownership of that land.

(2) No activity incompatible with the aims inspiring this Agreement or which is contrary to the security of the Kingdom of Spain may be carried on in the observatories.

Agreement on Cooperation in Astrophysics

(3) The Government of the Kingdom of Spain shall be entitled to be informed of the nature of the activities which are being carried on in the IAC and shall guarantee the protection of the research work. In particular it shall maintain the astronomical qualities of the observatories and endeavour to adhere to the recommendations of the International Astronomical Union.

(4) The use of the land necessary for the telescope installations of the User Institutions shall be guaranteed free of charge for the User Institutions on the conditions which are laid down in this Agreement and during the period which it is in force.

Article 8

The telescopes and other equipment installed in the observatories by the various Institutions shall continue to belong to their original owners, even in the case of termination of the agreements on telescope installations, unless otherwise provided for by a transfer or an agreement. If there is no transfer or agreement, the Institution affected shall remove its telescope or other equipment as provided in the Protocol referred to in Article 3.

Article 9

(1) The Spanish side shall be responsible for the initial costs of the access road, the planning of the observatories, laying on electric power, water, the telephone and telex, the construction of housing and a restaurant, maintenance services, workshops, laboratories, office accommodation, administrative services and such other services as may be agreed upon in the Protocol referred to in Article 3.

(2) The cost of additional installations and services required by the User Institutions shall be the subject of negotiations between the CSIC and the other Signatory Bodies referred to in Article 3.

(3) The maintenance and operating costs of the observatories shall be apportioned in accordance with the provisions of the Protocol referred to in Article 3.

Article 10

The Government of the Kingdom of Spain shall grant the legal facilities necessary for the establishment, operation and eventual removal of the telescope installations. For this purpose and on the basis of this Agreement it shall grant the necessary permits, licences and exemptions for the construction, operation and eventual removal of the telescope installations.

Article 11

(1) The Government of the Kingdom of Spain shall take the necessary steps, in accordance with its laws, to facilitate the entry, residence and exit from its territory of the scientific, technical, maintenance and administrative personnel of the Signatory Bodies and User Institutions.

Agreement on Cooperation in Astrophysics

(2) The same provisions shall be applicable to the members of their families who are living with them.

Article 12

(1) The Government of the Kingdom of Spain shall authorise the import and re-export, free of Customs Duty and other taxes levied, of the equipment, materials and goods, including accessories, spare parts and instruments, whatever their origin or from whatever country they come, which are considered necessary for the construction and operation of the observatories and the telescope installations. Such equipment, materials and goods shall be exempt from taxation while in Spain.

(2) It shall also authorise the temporary import and re-export, free of Customs Duty and other taxes levied on imports and exports and without any deposit or guarantee, of the furniture and personal effects (including one motor car per family) of the scientists or technical personnel and members of their families when they do not possess Spanish nationality and are moving to Spanish territory to carry out activities envisaged in this Agreement and proceeding therefrom.

(3) For these purposes the required procedures and formalities of applicable Spanish laws shall be observed, and applied as speedily as possible.

Article 13

The Contracting Parties shall permit the free movement of capital and payments in national and foreign currency as well as the possession by the User Institutions of the appropriate foreign exchange for the construction and operation of the observatories and the telescope installations. For these purposes the required procedures and formalities of the applicable laws of the Contracting Parties shall be observed, and applied as speedily as possible.

Article 14

(1) Disputes about the interpretation or application of this Agreement shall as far as possible be settled by the Contracting Parties.

(2) If a dispute cannot be settled by direct negotiations between the parties thereto, any one of them may require the dispute to be referred to the Permanent Court of Arbitration at The Hague whose decision shall be binding on all the Contracting Parties.

Article 15

(1) This Agreement shall be subject to ratification by the Contracting Parties.

(2) The Agreement shall enter into force definitively on the date on which the last of the instruments of ratification of the Governments of the Kingdom of Spain, the Kingdom of Denmark, the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Sweden has been deposited with the Government of the Kingdom of

Agreement on Cooperation in Astrophysics

Spain and the Protocol referred to in Article 3 of the Agreement has been signed by all the Bodies mentioned in that Article.

(3) The Agreement shall be applied provisionally from the date on which it has been signed by all the said Governments and the Protocol mentioned in Article 3 has been signed by all the Signatory Bodies mentioned therein. Provisional application of the Agreement shall continue until any one of the following conditions has arisen:

(a) It has been ratified by the Governments of all the said States and the corresponding Instruments of Ratification have been deposited with the Government of the Kingdom of Spain;

(b) A notification by any of the said States is deposited with the Government of the Kingdom of Spain informing the latter of its decision not to ratify the Agreement;

(c) Twenty-four months have elapsed from the date of its provisional application.

In the case referred to in sub-paragraph (b) of this Article all the other Contracting Parties and in the case referred to in subparagraph (c) all the Contracting Parties shall hold a meeting within two months from the date on which one of the two conditions arises in order to adopt a decision concerning the entry into force of the Agreement. Until this meeting is held or the period of two months expires, whichever is earlier, the Agreement shall continue to be applied provisionally by those countries which have deposited their instruments of ratification with the Government of the Kingdom of Spain or, although not having done so, notify the Government of the Kingdom of Spain that such is their intention.

(4) Any other State may accede to the Agreement subject to the consent of all the other Contracting Parties. Accession shall become effective when the instrument of accession has been deposited with the Government of the Kingdom of Spain and a Signatory Body from the acceding State has signed the Protocol referred to in Article 3. If Accession becomes effective on a date when the Agreement is applied provisionally, the acceding State shall also have the rights and duties mentioned in Article 15 (3).

(5) The Government of the Kingdom of Spain shall inform the other Contracting Parties of the receipt of such instrument of accession and the date of signature by the Body of the acceding State of the Protocol referred to in Article 3.

Article 16

(1) This Agreement shall remain in force for a period of thirty years and shall be automatically extended for successive ten year periods unless the Government of the Kingdom of Spain notifies the other Contracting Parties of its withdrawal at least two years before the expiry of any of the periods mentioned in this paragraph.

(2) Contracting Parties other than the Kingdom of Spain may withdraw from the Agreement by the end of any of the periods mentioned in paragraph (1) of this Article by notifying the Government of the Kingdom of Spain at least two years before the expiry of that period. The Government of the Kingdom of Spain shall promptly notify the Governments of the other Contracting Parties of the receipt of any notification of withdrawal.

Agreement on Cooperation in Astrophysics

(3) On the expiry of the Agreement or when the withdrawal of a Contracting Party occurs, any User Institution from the country concerned shall be able to dispose freely of its property. In case of disagreement, the Contracting Parties shall endeavour to resolve it in a manner satisfactory to all parties.

Done at La Palma this 26th day of May 1979 in the Spanish and English languages, both texts being equally authoritative.

For the Government of the Kingdom of Spain

For the Government of the Kingdom of Denmark

For the Government of the United Kingdom of Great Britain and Northern Ireland

For the Government of the Kingdom of Sweden

Annex

Roque de los Muchachos Observatory of the Institute of Astrophysics of the Canary Isles

Situation:

Municipal district of Garafia on the island of San Miguel de la Palma.

Boundaries:

North:

From a height of 2,120 metres above sea level in the Lomo de la Ciudad rising eastwards and crossing the Barranco de las Grajas, the Barranco del Cedro and the Barranco de Barbudo to reach a height of 2,265 metres on the ridge of the left slope of the Barranco de los Hombres. This boundary follows part of the route of the proposed road which will run from Garafia to Santa Cruz de la Palma via the summit.

East:

From 2,265 metres above sea level to 2,299.50 metres above sea level rising along the ridge of the left slope of the Barranco de los Hombres.

South:

With the National Park of la Caldera de Taburiente along the line of the summit from the ridge of the left slope of the Barranco de los Hombres as far as the Degollada de las Patomas by way of Fuente Nueva, Cruz del Fraile and Roque de los Muchachos.

West:

Descending by the Barranco de Izcagua from the Degollada de las Palomas down to 2,225 metres above sea level and from thence northwards descending to 2,120 metres above sea level in the Lomo de la Ciudad crossing the Barranco de Briesta. This boundary follows, from the Barranco de Izcagua to Lomo de la Ciudad, part of the proposed route of the road which will run from Garafia to Vereda de El Time, via the Barranco de las Angustias.

Area:

189 hectares

**Teide Observatory
of the Institute of Astrophysics of the Canary Isles**

Situation:

Municipal districts of La Orotova, Güimar and Fasnia.

Boundaries:

North:

Highroad C-824 from La Laguna to Portillo de la Villa.

East:

Watercourse between the mountains of Izaña and Cabezón.

South:

Access track to the Observatorio Meteorológico de Izaña (Izaña meteorological observatory).

West:

Junction of highway C-824 and the access track to Izaña meteorological observatory.

Area:

50 hectares.