

AGREEMENT
BETWEEN
THE GOVERNMENT OF TURKEY
AND
THE EUROPEAN SPACE AGENCY
CONCERNING
COOPERATION IN THE EXPLORATION
AND USE OF OUTER SPACE FOR PEACEFUL PURPOSES

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The Government of Turkey (hereinafter referred to as "Turkey")

and

The European Space Agency, established by the Convention which was opened for signature in Paris on 30 May 1975 and entered into force on 30 October 1980 (hereinafter referred to as "the Agency")

(hereinafter together referred to as the "Parties"),

TAKING INTO CONSIDERATION the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, done on 27 January 1967, to which Turkey and the Agency's Member States are parties,

RECALLING that the purpose of the Agency is to provide for and to promote, for exclusively peaceful purposes, cooperation among European States in space research and technology and their space applications,

CONSIDERING the wish expressed by Turkey to cooperate with the Agency,

DESIRING to establish mechanisms to facilitate and intensify cooperation between the Parties on mutually advantageous activities connected with peaceful use of outer space,

HAVING REGARD to the Convention of the European Space Agency and in particular its Articles II and XIV.1 thereof,

CONVINCED of the benefits that such cooperation can bring to each Party,

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

Purpose

The purpose of this Agreement is to establish a cooperation in the exploration and use of outer space for exclusively peaceful purposes between the Parties for their mutual benefit, taking account of their respective obligations.

ARTICLE 2

Areas and forms of cooperation

1. The Parties shall keep each other informed on their respective space activities and programmes and their progress, and on areas offering potential for cooperation.

2. The areas considered by the Parties as offering potential for cooperation under this Agreement are:
 - (a) space science, in particular space astronomy and astrophysics, solar system exploration and solar-terrestrial physics;
 - (b) Earth observation research and applications, in particular environmental monitoring, meteorology, aeronomy, geodesy and monitoring of major hazards;
 - (c) telecommunications, in particular service demonstrations and satellite navigation;
 - (d) microgravity research, in particular space biology and medicine, and materials processing;
 - (e) ground segment engineering and utilisation;
3. The Parties agree to facilitate the exchange of scientists and engineers, as well as the exchange of information.
4. The Parties shall provide data exchanges and access to specific information through their respective networks and on conditions to be mutually agreed.
5. The Parties shall also:
 - (a) organise the award of fellowships to enable the nominees of either Party to benefit from training at institutions proposed by the awarding Party;
 - (b) organise joint symposia and conferences ;
 - (c) encourage the exchange of experts to participate in studies ;
 - (d) promote joint activities connected with experimentation on and utilisation of products and services developed within the framework of Agency programmes;
 - (e) promote educational activities in space science and technology and in law.
6. Other areas and forms of cooperation may be added by mutual agreement to those mentioned in this Article.

ARTICLE 3

Modalities of implementation

1. Each Party shall designate a point of contact to coordinate actions relating to implementation of this Agreement and attend to measures to assist in the further development of cooperative activities. Such points of contacts shall

be the ordinary channels for the Parties' communication of proposals for cooperation.

2. Joint working groups may be established to examine in detail proposals in areas assigned to them by the Parties and to make recommendations to the Parties.
3. In order to pursue areas of cooperation under Article 2 of this Agreement, the Parties shall negotiate and agree upon specific implementing arrangements dealing with rights and obligations on either side, scientific and technical results and other relevant provisions. Unless otherwise determined by the Turkish Government, the Scientific and Technical Research Council of Turkey (TÜBİTAK), shall be entitled to conclude such arrangements on the Government's behalf.
4. Special meetings between the points of contact designated under paragraph 1 of this Article may be held to examine progress in implementing this Agreement.
5. For the execution of its obligations under this Agreement, each Party shall, as a general rule, meet its own costs.

ARTICLE 4

Coordination at international level

1. The Parties shall consult, as appropriate, on matters of mutual interest concerning exploration and use of outer space on the agendas for meetings of international bodies.
2. The Parties shall encourage international cooperation on the study of legal questions of mutual interest which may arise in connection with the exploration and use of outer space.

ARTICLE 5

Information and data

1. The Parties shall exchange scientific and technical information of mutual interest concerning space science, technology and applications through the transmission of technical and scientific reports and notes, subject to their respective rules on the dissemination of information and data. Turkey will receive announcements of opportunities concerning the scientific activities under the Agency's programmes.
2. Scientific and technical information obtained by one Party in the course of joint experiments or projects shall be made available to the other, subject to such rules as may be mutually agreed concerning the dissemination of information and data.

3. Where goods, data or information are furnished by one Party to the other, the receiving Party shall accord a degree of protection to the intellectual property rights therein at least equivalent to that enjoyed in the legal system applicable to the furnishing Party. Special measures that need, in the view of the furnishing Party, to be taken in order to achieve that level of protection shall be mutually agreed.

ARTICLE 6

Administrative provisions

Turkey agrees to provide administrative assistance in the implementation of the present Agreement, in particular as regards facilitating the entry and exit of persons and the importation and exportation of goods relating to cooperative activities agreed upon the Parties. This assistance is also applicable to administrative formalities concerning exemption from charges that are normally applicable upon importation and exportation when provided for in the implementing arrangements.

ARTICLE 7

Liability

Subject to any other terms contained in the implementing arrangements referred to in Article 3.3 above, each Party shall be solely liable for any loss or damage to its persons or property which occurs in pursuit of the activities provided for under this Agreement, except in the case of wilful damage or gross negligence on the part of the other Party.

ARTICLE 8

Settlement of disputes

1. Disputes concerning the interpretation or application of this Agreement shall be settled by mutual consultations between the Parties. Any dispute not resolved through consultations shall be submitted at the request of either Party to an arbitration tribunal composed of one member appointed of each Party and a chairman appointed by agreement between the Parties or, failing agreement, by the President of the International Court of Justice. The tribunal's award shall be final and binding upon both Parties, and in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration involving International Organisations and States. The arbitration shall be held in Paris, France, in the English language.
2. The arrangements referred to in Article 3.3 of this Agreement may contain their own dispute-settlement provisions, which shall include the procedures and modalities for arbitration.

ARTICLE 9

Entry into force - Duration - Renewal - Amendment

1. This Agreement shall, for the Government of Turkey, be subject to approval in accordance with the legal order of Turkey and shall enter into force upon notification by the Government of Turkey of such approval.
2. This Agreement shall remain in force for a period of five (5) years.
3. One year before the expiry of this Agreement, the Parties shall review the results of its implementation and shall examine ways and means for continuing such cooperation. This Agreement may be extended and/or amended by mutual agreement in writing. If the Agreement ceases to have effect, its provisions shall nevertheless continue to apply to the extent necessary to secure the implementation of any specific implementing arrangements that have been concluded pursuant to Article 3.3 above and are still effective on the date on which the present Agreement ceases to have effect.

Done at Ankara on 15 July 2004

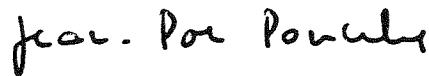
in two originals in the Turkish language and in two originals in the English language. The Agency will provide translations in the French and German languages.

For the Government of Turkey

For the European Space
Agency



Prof. Dr. Nüket Yetiş
Acting President
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Research Council of Turkey
(TÜBİTAK)



Jean-Pol Poncelet
Director of External Relations
of the European Space Agency
(ESA)