

RESOLUTION ON
THE START OF THE EPS ACTIVITIES

**Adopted at the 37th Meeting of the EUMETSAT Council
on 28 January 1998**

The EUMETSAT Member States,

RECALLING Resolution EUM/C/95/Res. IV, adopted at the 29th Meeting of the EUMETSAT Council on 29 November – 1 December 1995, which agreed to pursue with ESA a Programme of 3 Polar Orbiting satellites,

RECALLING Resolution EUM/C/96/Res. I, adopted at the 30th Meeting of the EUMETSAT Council on 1 April 1996, which endorsed the revised framework approach for the EPS Programme, and in particular a joint space segment to be established by ESA and EUMETSAT,

RECALLING Resolution EUM/C/96/Res. II, adopted at the 31st Meeting of the EUMETSAT Council on 26-27 June 1996 which "**BEARING IN MIND** the view of the Council that national motivations consist of scientific, technical, economical and industrial interests" agreed "**I** to meet in the EPS Programme, especially for the space segment, the national motivations taking into account the level of contributions" and further "**IV** to consider the final approval of the EPS Programme and the associated cooperation agreements only after submission of the contract proposal for the Space Segment in accordance with the time schedule set out in Document EUM/C/31/96/DOC/8 Rev. 2 + Annexes" in that context requesting "the Director to issue the Request for Quotation for the Space Segment and to undertake the necessary steps in order to prepare the contract proposal to be presented for approval to the June 1997 Council, taking into account national motivations as expressed above",

RECALLING that the EPS Programme Resolution was opened for voting by the 32nd EUMETSAT Council on 3–5 December 1996,

NOTING that the ESA METOP-1 Programme Declaration was opened for subscription in December 1996, updated in May 1997, and subscribed by the ESA METOP-1 Participating States,

NOTING that the contract proposal for the Single Space Segment has been presented for approval to the 37th Council Meeting,

RECOGNISING the need to maintain the momentum achieved on the EPS Programme,

STRESSING the importance of beginning substantial industrial activities as soon as possible in order to safeguard the basic assumptions of the Programme,

BEARING IN MIND that all Member States have voted in favour of the EPS programme,

NOTING that the votes of some Member States are conditional with regard to the finalisation of national approval procedures and for Italy, also to a solution to the still outstanding respect of AGREE I of EUMETSAT Resolution EUM/C/97/Res. IV adopted at the 36th meeting of the EUMETSAT Council on the 25-27 November 1997,

RECOGNISING that Italy will be able to lift its ad referendum within a short period of time after the national expectations referred to in AGREE I of Resolution EUM/C/97/Res. IV above have been met,

NOTING that Germany will be in a position to make its vote unconditional in favour of the EPS Programme as soon as the German parliament has unblocked the related funds in the 1998 budget,

EXPECTING that the other remaining Member States which have voted in favour, ad referendum, will be able to lift their ad referenda within a short period of time,

AGREE:

- I** that preliminary industrial activities aiming at securing the possibility of ultimately entering into the EPS Programme are undertaken as a prospective activity within the framework of the General Budget within the framework of a ceiling of 30 MECU,
- II** that the above ceiling will cover industrial activities until the 30 September 1998,
- III** that the necessary industrial activities will start as soon as ESA will be in a position to provide its part of the funding, this to be done through a joint Authorisation to Proceed (ATP) to industry within an overall limit of liability of maximum 120 MECU at 1996 economic conditions, it being understood that the draft Cooperation Agreement with ESA shall apply mutatis mutandis to all initial activities,
- IV** that the Commitment Appropriations and Payment Appropriations of the General Budget for 1998 are increased by 30 MECU in Art. 452,
- V** that all revenue of EUMETSAT for the period 1996-2000 is attributed to the General Budget,
- VI** that the Director is authorised to modify the recharging keys to programmes regarding expenditure of the General Budget,
- VII** that financial liquidity required in addition to the agreed contributions to the General Budget would be pre-financed from the General Treasury of EUMETSAT and be paid back to the General Budget in future years,

- VIII** that Italy shall not be obliged to contribute to the General Budget for these activities as long as a solution to the issue on the AGREE I of EUMETSAT Resolution EUM/C/97/Res. IV has not been found by ESA, together with EUMETSAT, and that consequently Italy's proportional part of the 30 MECU for industrial activities shall be unblocked when Italy lifts its ad referendum,
- IX** that the amounts expended under this Resolution shall be subsumed in the EPS Programme when this is fully approved,
- X** that the MHS Project Funding, as established through the adoption of Resolution EUM/C/95/Res. VII, will continue until it can be wholly subsumed within the fully approved EPS Programme.

**RESOLUTION ON
THE FURTHER EXTENSION OF THE EPS BRIDGING PHASE**

**Adopted at the 37th meeting of the EUMETSAT Council
on 28 January 1998**

The EUMETSAT Member States,

RECALLING that the EPS Programme Resolution was opened for voting by the 32nd EUMETSAT Council,

NOTING the present status of voting on the EPS Programme Resolution is that all 17 Member States have voted in favour, of which 9 are ad referendum,

NOTING that the Contract Proposal for the METOP satellites has been presented to the 37th Council Meeting,

RECALLING Resolution EUM/C/96/Res. VI, adopted at the 32nd Meeting of the EUMETSAT Council on 3-5 December 1996, which established the EPS Bridging Phase,

RECALLING Resolution EUM/C/97/Res. II, adopted at the 33rd Meeting of the EUMETSAT Council on 19-20 March 1997, which agreed to start the EPS Bridging Phase,

RECALLING Resolutions EUM/C/97/Res. V and EUM/C/97/Res. VI on the Extension of the EPS Bridging Phase and the start thereof,

RECOGNISING the need to maintain the momentum achieved on the EPS Programme,

AGREE:

- I** On a further extension of 8 months of the EPS Bridging Phase, this meaning that the EPS Bridging Phase and its two extensions will terminate on 30 September 1998,
- II** That all other provisions of Resolutions EUM/C/97/Res. V and EUM/C/97/Res. VI remain valid and in force.

**RESOLUTION ON
FUNDING OF THE SATELLITE APPLICATION
FACILITY (SAF) ON CLIMATE MONITORING**

**Adopted at the 38th meeting of the EUMETSAT Council
on 1 – 3 July 1998**

The EUMETSAT Member States,

HAVING REGARD to the EUMETSAT Convention which states that the primary objective of EUMETSAT is to establish, maintain and exploit European systems of operational meteorological satellites,

CONSIDERING that the amended EUMETSAT Convention currently undergoing final steps of ratification states that a further objective of EUMETSAT is to contribute to the operational monitoring of the climate and the detection of global climatic change,

CONSIDERING that the MTP Programme was set up to ensure a continuous operational service, and to fill the gap between the Meteosat Operational Programme (MOP) and the Meteosat Second Generation Programme (MSG),

NOTING that the MTP Programme, established through Resolution EUM/C/Res. XXVII, was extended through Resolution EUM/C/97/Res. VII in order to cover the extension of the MTP operational service at least until 31 December 2003 and subsequent close-out activities,

BEARING IN MIND that Resolution EUM/C/92/Res. V defines , as a policy for future EUMETSAT ground systems, the concept of a networked configuration comprising both distributed elements including SAFs and a central facility having well defined key objectives,

CONSIDERING the relevance of MTP and MSG data for Climate Monitoring,

WISHING to create already now the conditions for the optimum use of present and future EUMETSAT Satellite Data for Climate Monitoring,

AGREE:

- I** To allocate up to 2 MECU at 1996 economic conditions to the development of a SAF on Climate Monitoring.
- II** To fund this contribution within the approved MTP programme envelope of 280 MECU at 1989 economic conditions.

Council Resolution EUM/C/98/Res. III

- III** To create an Article 450 for SAF in the 1998 EUMETSAT MTP Budget.
- IV** To transfer 2.08 MECU in Commitment Appropriations from Article 410 GB/OPS to Article 450 MTP in the 1998 EUMETSAT Budget.
- V** To foresee the required Payment Appropriations in the EUMETSAT MTP Budgets from 1999 onwards.

**RESOLUTION ON
EUMETSAT PRINCIPLES ON DATA POLICY**

**Adopted at the 38th meeting of the EUMETSAT Council
on 1 – 3 July 1998**

The EUMETSAT Member States,

RECALLING the EUMETSAT Principles on Distribution and Charging as defined by the EUMETSAT Council in Resolution EUM/C/Res. VII, as amended by Resolutions EUM/C/Res. XXI and EUM/C/Res. XXVI,

RECALLING that EUMETSAT holds full ownership and all Intellectual Property and utilisation rights to the EUMETSAT meteorological satellites and their data,

RECALLING Resolutions EUM/C/94/Res. I, EUM/C/94/Res. IV, EUM/C/95/Res. V and EUM/C/ 96/Res IV, as amended by Resolution EUM/C/97/Res. VIII, establishing Conditions of Access to Real Time EUMETSAT HRI Data Within and Outside the EUMETSAT Member States,

BEARING IN MIND that EUMETSAT's meteorological satellites represent an important contribution to the World Weather Watch of the World Meteorological Organization (WMO),

TAKING INTO ACCOUNT the WMO Policy and Practice for the Exchange of Meteorological and Related Data and Products including Guidelines on Relationships in Commercial Meteorological Activities, as laid down in WMO Resolution 40 (Cg-XII),

TAKING INTO ACCOUNT the long-standing close cooperation between EUMETSAT and the European Centre for Medium-Range Weather Forecasts (ECMWF),

RECOGNISING the increased interest in the commercial use of satellite data, products and services,

BEARING IN MIND the need to preserve the benefits of EUMETSAT membership,

RECOGNISING the need to consolidate the various elements of the EUMETSAT Data Policy as currently contained in the Resolutions listed above and in other decisions of the EUMETSAT Council,

WISHING to abolish such Council Resolutions and Council decisions and to introduce a comprehensive EUMETSAT Data Policy as contained in these Principles and the attached Implementing Rules,

AGREE THAT:

- I** The National Meteorological Services (“NMSs”) of the Member States will receive all EUMETSAT data, products and services for their Official Duty use at no cost except for the cost of decryption key units. Official Duty is defined as all activities which take place within the organisation of a NMS and external activities of a NMS resulting from legal, governmental or intergovernmental requirements relating to defence, civil aviation and the safety of life and property.
- II** The NMSs of the Member States shall act as Exclusive Licensing Agents on behalf and for the account of EUMETSAT for the purpose of granting access to real-time data to users receiving the data within their respective national territories. In doing so, the NMSs will apply the EUMETSAT fees and conditions, agreed by the EUMETSAT Council.
- III** Regarding their commercial activities, the NMSs of the Member States shall be treated in an equivalent way to Service Providers by EUMETSAT and its Exclusive Licensing Agents.
- IV** A set of data, products and services to be determined by Council will be available on a free and unrestricted basis as “Essential” data and products in accordance with WMO Resolution 40 (Cg-XII).
- V** A further set of data and products to be determined by Council will be made available to NMSs of non-Member States Without Charge for their Official Duty use.
- VI** A set of data, products and services to be determined by Council will be available Without Charge for Research Projects and Educational Use.
- VII** ECMWF will have access Without Charge to all data, products and services for its own use in support of its mission as defined in the ECMWF Convention.
- VIII** All other users may receive sets of data, products and services under conditions defined by Council. These conditions may involve the payment of fees. Council may waive such fees on a case by case basis for specific applications.
- IX** EUMETSAT is responsible for granting access to real-time data to international organisations, NMSs of non-Member States and to other users operating outside Member States. This access is given in accordance with the EUMETSAT fees and conditions agreed by Council.

- X** Furthermore EUMETSAT is responsible for granting access to the EUMETSAT Archived Data and Products, the telecommunication channels of EUMETSAT satellites, the derived products from the EUMETSAT ground segment and EUMETSAT developed software. This access is given in accordance with the EUMETSAT fees and conditions agreed by Council.
- XI** All efforts shall be undertaken to protect EUMETSAT's data, products and services against unauthorised use. Wherever necessary, methods of technical protection of data will be used by EUMETSAT and its Exclusive Licensing Agents.
- XII** The implementation of these Principles and the Catalogue of EUMETSAT data, products and services to which these Principles apply are laid down in implementing rules attached to these Principles as annexes. The annexes may be amended separately from the above Principles by Council.*

* The Annexes to this Resolution were abolished by Resolution EUM/C/99/Res. VII.

RESOLUTION ON
BUDGET FLEXIBILITY IN THE
EPS BRIDGING PHASE EXTENSIONS

Adopted at the 38th meeting of the EUMETSAT Council
on 1 – 3 July 1998

The EUMETSAT Member States,

CONSIDERING Resolutions EUM/C/97/Res.V, EUM/C/97/Res.VI and EUM/C/98/Res.II on the EPS Bridging Phase extensions,

NOTING that the present status of voting on the EPS Programme Resolution is that all Member States have voted in favour, however, 9 of these votes being ad referendum,

NOTING the need to maintain the EPS Staff in EUMETSAT and to undertake the strictly necessary activities in order to safeguard the residual possibility of undertaking an EPS Programme,

AGREE:

That the Director, as regards the funds mentioned in AGREEs II and III of Resolution EUM/C/97/Res.V, shall have budgetary flexibility to transfer funds from one chapter of the General Budget to another in accordance with EPS programmatic needs.

RESOLUTION ON
THE RECOMMENDATIONS OF THE WORKING GROUP
ON PROCUREMENT PROCEDURES

Adopted at the 38th meeting of the EUMETSAT Council
on 1 – 3 July 1998

The EUMETSAT Member States,

CONSIDERING the extensive procurement experience of EUMETSAT over the 11 years of its existence,

NOTING the rapid growth of EUMETSAT and EUMETSAT's role in operations since 1995,

BEARING IN MIND the challenging procurements to be undertaken in the future,

REALISING the need to capture experiences gained, to the benefit of future procurements,

BEARING IN MIND the recommendations of the Working Group on Procurement Procedures,

BEARING IN MIND that some issues, mostly related to potentially fundamental changes to EUMETSAT's procurement system, have remained unresolved in the Working Group on Procurement Procedures,

AGREE:

- I** That the current adjective marking scheme, but with explicit use of weighting factors, shall continue to be used by Tender Evaluation Boards. When presenting Contract Proposals to Delegate Bodies the adjective marks shall be given. In addition, a translation into numbers shall be given according to a numerical marking scheme which also captures price and which uses the same evaluation criteria and weighting factors as the adjective marking scheme both for baseline tasks and possible options. If the translation into numbers indicates a different result than the one arrived at with the adjective marks, the Director shall, nevertheless, make an appropriate recommendation on the winner;

II That the consequence of Council not following the recommendation in a Contract Proposal should be that the Director is tasked with defining a new recommendation in line with the specific guidance given by Council – and eliminating the reasons leading to the rejection in the first place.

III That Member States shall have the possibility to appoint an Industrial Focal Point to act as an interface between the industry of the Member State and EUMETSAT.

The Industrial Focal Point shall be given access to all procurement related information issued by EUMETSAT under the same conditions as Delegates. The Industrial Focal Point shall seek to generate interest in EUMETSAT procurement in industry, both in general and in relation to specific procurements. The Industrial Focal Point shall pass general and specific information on industrial capabilities to a focal point to be defined in the EUMETSAT Secretariat, and shall seek to add relevant bidders both in respect of specific procurements and in general, in the latter case by providing inputs to EUMETSAT's suppliers database. The Industrial Focal Point shall in no case seek to limit or narrow competition.

The Industrial Focal Point shall be considered, and act, as a governmental representative of the Member State in question.

IV That options in EUMETSAT procurements shall be described in the first instance in the Procurement Proposal and thereafter in the Contract Proposal. It shall be highlighted in the Contract Proposal if an option has been requested in the Invitation to Tender which was not described in the Procurement Proposal. The evaluation criteria communicated to bidders shall reflect options that may significantly affect the evaluation. In the Invitation to Tender options shall to the extent possible be described with the same degree of precision as baseline tasks.

V That the Financial Rules, Art. 23.4 is modified such that the threshold for when open tender is mandatory shall be ECU 50,000, it being noted that below this threshold as a rule at least three offers are required, it being further noted that the Contracts Procedures shall indicate that Initiators should go to full open tender whenever the procurement is of a study nature regardless of value involved.

VI The format for presentation of Contract Proposals to Delegate Bodies shall be as follows:

1 An Executive Summary which in brief describes the prominent features of each proposal, the evaluation procedure and its outcome;

- 2 An introduction in which the history of the procurement is recalled, where the proposals received are listed and where the evaluation criteria are stated. The nationalities of bidders shall be indicated, and similarly, in case of consortia, all consortium members shall be listed;
- 3 A substantive chapter on the evaluation of the proposals where first the technical and management proposals of each bidder are described in relation to each evaluation criterion, and where thereafter the conclusion of the technical and managerial evaluation is set out. The origin of major equipment shall be shown, in accordance with the statement of the bidders. The technical/management information shall be organised to show the context and relative importance and a proper risk analysis shall be included. This then to be followed in a similar fashion by a description of the evaluation of the financial proposals of each bidder. To the extent clarification or tender negotiation has been undertaken the process and its outcomes shall be fully described, particularly to demonstrate that absolute fairness and equality has been maintained;
- 4 A conclusion chapter, where the best-value-for-money trade-off between technical/managerial merit and contractual aspects/price is set out in detail and where the final recommendation is expressed. The best-value-for-money trade-off shall quantify the issues to the extent possible and shall be founded on specifics, wherever possible;
- 5 An annex setting out in tabular form the outcome of the marking, including a translation into numbers according to a numerical marking scheme, together with a table providing details on the prices, if these are of some complexity;
- 6 The summary Contract Proposal form.

VII That, in view of the positive results reached so far, the Working Group shall continue its activities in order to address those issues included in the Terms of Reference which have not yet been fully considered.

RESOLUTION ON
REGULARISATION OF SPECIAL PAYMENT ARRANGEMENTS
FOR THE METEOSAT TRANSITION PROGRAMME (MTP)

Adopted at the 38th meeting of the EUMETSAT Council
on 1 – 3 July 1998

The EUMETSAT Member States,

HAVING REGARD to the MTP Programme Resolution EUM/C/Res. XXVII adopted at the 13th Council meeting in November 1990, which entered into force on 23 April 1991,

TAKING INTO ACCOUNT that Resolution EUM/C/Res. XXVII establishes that the MTP Programme shall be funded by all Member States through a scale of contributions based on GNP,

RECALLING that Resolution EUM/C/Res. XXXI on Modalities for the Implementation of MTP, adopted at the 13th Council meeting, authorises Finland and Ireland to adapt to the GNP-scale over a period of three years in incremental steps of 1/3 starting from 1991,

RECALLING that Resolution EUM/C/Res. XXXIV on Modalities for the Implementation of MTP, adopted at the 15th Council meeting in June 1991, authorises Greece to adapt to the GNP-scale over a period of three years in incremental steps of 1/3 starting from 1991,

RECALLING Resolution EUM/C/Res. XXXIII on Special Payment Arrangements for the MTP Programme, adopted at the 15th Council meeting, which authorises Denmark and Greece to pay their contributions in equal instalments, whereby Denmark pays its contributions in equal instalments over the whole period of the MTP Programme (10 years from 1991 to year 2000 inclusive), and Greece starts to pay its contributions in equal instalments once it has reached the full GNP scale in 1993,

NOTING Resolution EUM/C/97/Res. VII on the Extension of the MTP Programme, adopted at the 36th Council meeting in November 1997, which extends the MTP Programme at least until 31 December 2004, while maintaining the overall programme envelope of 280 MECU at 1989 economic conditions,

TAKING INTO ACCOUNT that the main MTP space and ground segment costs have been finalised, that the remaining MTP costs are mainly of an operational nature, and that the degree of expenditure of the overall programme can now be predicted with increased accuracy,

WISHING to regularise the special payment arrangements agreed for Denmark, Finland, Greece and Ireland,

AGREE:

- I** That all the Member States shall contribute to the MTP Programme Budget on the basis of the GNP scale from 1 January 1999.
- II** That the adjustments to the contributions of Member States detailed in the table attached shall be effected on 1 January 1999.
- III** That these adjustments may be effected through the EUMETSAT Working Capital Fund.
- IV** That any surplus arising from the implementation of the EUMETSAT MTP Budget for 1998 onwards shall be redistributed to all Member States according to the GNP scales.

**CONTRIBUTION ADJUSTMENTS FOR THE
REGULARISATION OF SPECIAL PAYMENT ARRANGEMENTS
IN THE METEOSAT TRANSITION PROGRAMME (MTP)**

MEMBER STATE	Contribution Adjustment in 1998 e.c. ECU
Germany	(47,424)
France	8,458
United Kingdom	12,855
Italy	9,623
Spain	(13,789)
Belgium	(1,148)
Switzerland	2,893
Netherlands	58
Sweden	6,460
Denmark	610,407
Norway	1,379
Turkey	(9,204)
Finland	(424,854)
Greece	19,924
Portugal	(5,870)
Ireland	(133,029)
Austria	(36,739)
TOTAL	0

Figures in brackets represent amounts due from Member States, whereas positive figures are amounts due to Member States.

**RESOLUTION ON
THE START OF THE EPS PROGRAMME**

**Adopted at the 39th meeting of the EUMETSAT Council
on 7 September 1998**

The EUMETSAT Member States,

RECALLING Resolution EUM/C/95/Res. IV, adopted at the 29th Meeting of the EUMETSAT Council on 29th November – 1st December 1995, which agreed to pursue with ESA a Programme of 3 Polar Orbiting satellites,

RECALLING Resolution EUM/C/95/Res. VII, adopted at the 29th Meeting of the EUMETSAT Council, which agreed to carry out an independent four years' development of the MHS Instrument, to be exceptionally administrated as a distinct sub-envelope within the General Budget,

RECALLING Resolution EUM/C/96/Res. I, adopted at the 30th Meeting of the EUMETSAT Council on 1st April 1996, which endorsed the revised framework approach for the EPS Programme, and in particular a joint space segment to be established by ESA and EUMETSAT,

RECALLING that Resolution EUM/C/96 Res. II froze the scientific and technical content of the EPS programme,

RECALLING that the EPS Programme Resolution EUM/C/96/Res.V was opened for voting by the 32nd EUMETSAT Council on 3rd – 5th December 1996,

RECALLING Resolution EUM/C/96/Res. VI, adopted at the 32nd Council Meeting, on the EPS Bridging Phase, as extended through Resolution EUM/C/97/Res.V, adopted at the 36th Council Meeting,

RECALLING Resolution EUM/C/98/Res. I in which the start of the EPS activities were approved, with activities to continue in this framework until at the latest 30 September 1998,

NOTING that the ESA METOP-1 Programme Declaration was opened for subscription in December 1996, updated in May 1997, and subscribed by the ESA METOP-1 Participating States at a level of 63.94 %,

NOTING that the Contract Proposal for the Single Space Segment and the release of a METOP Authorisation To Proceed (ATP) was approved at the 37th Council Meeting,

NOTING that the IASI Contract Proposal and the revised draft of the IASI Cooperation Agreement between CNES and EUMETSAT was approved at the 38th Council Meeting,

NOTING that after the 30 September 1998, there is no legal instrument in EUMETSAT for the continuation of EPS activities and that without additional funding the EPS and METOP activities will automatically stop,

STRESSING the need to maintain the momentum achieved on the EPS Programme and the urgency to start the IASI development activities by beginning substantial industrial activities as soon as possible in order to safeguard the basic assumptions of the Programme,

BEARING IN MIND that all Member States have voted in favour of the EPS programme,

NOTING that the votes of some Member States are conditional with regard to the finalisation of national approval procedures,

EXPECTING that the Member States which have voted in favour, ad referendum, will be able to lift their ad referenda within a short period of time,

AGREE:

- I** That the EPS Programme activities will begin with immediate effect.
- II** To unblock the 1998 additional Commitment Appropriations (802.903 MECU) and Payment Appropriations corresponding to the 1998 additional PA (77.182 MECU) within the EPS budget section, resulting in a call up of 76.755 MECU, to be paid as soon as possible but at the latest on 4 December 1998.
- III** That the Member States voting in favour, ad referendum, of the EPS programme will be legally obliged to contribute financially to the programme only after finalisation of national approval procedures, and that their contributions would only become due 30 days after notification hereof, but no earlier than 4 December 1998.
- IV** That in the 1998 budget an amount corresponding to the Commitment Appropriations and Payment Appropriations of the Member States voting in favour, ad referendum, of the EPS programme remains blocked until the finalisation of national approval procedures has been notified to the EUMETSAT Secretariat.
- V** That if the Member States voting in favour, ad referendum, of the EPS programme would not be in a position to confirm finalisation of national approval procedures by the next ordinary Council at the latest, those Member States who have agreed unconditionally to contribute to the programme will decide on the action to be taken.

- VI** That the necessary industrial activities related to the single space segment in the EUMETSAT EPS Programme will continue on the condition that ESA is in a position to provide its part of the funding, accepting that EUMETSAT shall cover the shortfall in the ESA programme of 241.3 MECU at 1996 economic conditions without increase of the EPS financial envelope.
- VII** That the necessary industrial activities related to IASI in the EUMETSAT EPS Programme will start as soon as CNES is in a position to provide its part of the funding.
- VIII** That the MHS Project funding and the EPS Bridging Phase and its extensions are wholly subsumed within the EPS Programme and the corresponding budgets.

RESOLUTION ON
THE EXTENSION OF THE EUMETSAT POLAR SYSTEM
PREPARATORY PROGRAMME

Adopted at the 39th meeting of the EUMETSAT Council
on 7 September 1998

The EUMETSAT Member States,

RECALLING EUMETSAT Resolution EUM/C/92/Res. VIII on the EUMETSAT Polar System Preparatory Programme, presented for adoption at the 21st Council meeting and fully adopted at the 24th Council meeting on 23-25 November 1993,

RECALLING that the EPS Preparatory Programme was envisaged to last until the start of the full EPS Programme, expected to be not later than 1996,

TAKING INTO ACCOUNT that the financial envelope of the Preparatory Programme was expected to be exhausted in 1996,

NOTING that Resolution EUM/C/96/Res. V on the EUMETSAT Polar System (EPS) Programme, presented for adoption at the 32nd Council on 3-5 December 1996 has finally been fully adopted at the 39th Council meeting on 7 September 1998,

TAKING INTO ACCOUNT that the assumption for the envelope of the full EPS Programme was that the envelope of the EPS Preparatory Programme would be fully used,

NOTING that there are still a number of preparatory activities to be finalised in parallel with the activities under the full EPS Programme,

WISHING to make use of the amounts still available within the EPS Preparatory Programme envelope after the entry into force of the full EPS Programme,

AGREE:

- I** To extend the EPS Preparatory Programme until 31 December 2000.
- II** To maintain the financial envelope of the Preparatory Programme at the agreed level of 30 MECU at 1993 economic conditions.

**RESOLUTION ON
CLARIFICATION OF THE DATA POLICY FOR SAF DELIVERABLES**

**Adopted at the 40th meeting of the EUMETSAT Council
on 25-27 November 1998**

The EUMETSAT Council,

RECALLING the EUMETSAT Data Policy Principles as defined by the EUMETSAT Council in Resolution EUM/C/98/Res. IV,

RECALLING Resolution EUM/C/97/Res. I on Data Policy for SAF Deliverables,

WISHING to clarify the implications of the SAF Data Policy to the National Meteorological Services of EUMETSAT's Member States,

NOTING that such clarification is fully consistent with the above Data Policy provisions and does not constitute a substantial modification thereof,

AGREE:

I To amend the wording of Resolution EUM/C/97/Res. I through addition of the following sentence to AGREE V:

“Such sub-licences shall be granted free of charge to all National Meteorological Services of EUMETSAT's Member States for their Official Duty use.”

II That all other provisions of Resolution EUM/C/97/Res. I shall remain unchanged.

RESOLUTION ON

EPS MANAGEMENT AND RISK MARGIN

**Adopted at the 40th meeting of the EUMETSAT Council
on 25-27 November 1998**

The EUMETSAT Member States,

CONSIDERING the complexity of the EPS Programme and its numerous external interfaces,

NOTING the need for EUMETSAT to be able to approve unforeseen, necessary changes expeditiously in order to preserve the programmatic integrity of EPS and in order to minimise schedule impacts and cost consequences,

TAKING INTO ACCOUNT the experiences of margin management in the Meteosat Transition Programme and Meteosat Second Generation Programme,

DESIRING to ensure budgetary stability and to minimise surpluses,

AGREE:

- I** That the Director can approve unforeseen, necessary changes to the METOP and GOME contracts, the EPS Ground Segment contract and to the IASI instrument, provided each change has a cost to EUMETSAT of less than 750 KEUR.
- II** That the Payment Appropriations foreseen to cover changes as described in AGREE I above shall be consolidated in a dedicated revenue article in the yearly budget and shall not be called up in the related budget year, but that cash needs in the year would be pre-financed by the EUMETSAT treasury – and that the forwarded cash would be reimbursed to the EUMETSAT treasury the following year through corresponding call-ups, issued at the same time as the regular call-ups for the following year.
- III** That the Director shall be authorised to transfer Commitment Appropriations and Payment Appropriations between Articles 400, 410 and 412 of the EPS budget without restriction.
- IV** That Council, in each meeting, shall be informed of any changes approved in accordance with the above and of any corresponding transfer of Payment Appropriations between budget articles. Council shall furthermore immediately be informed in writing when changes are approved by the Director which are expected to lead to additional call-ups for the subsequent year in line with AGREE II above.

RESOLUTION ON

GERB-2/3

**Adopted at the 40th meeting of the EUMETSAT Council
on 25-27 November 1998**

The EUMETSAT Member States,

RECOGNISING the great scientific and operational value of the Geostationary Earth Radiation Budget (GERB) instrument,

NOTING that the GERB Instrument will be flown on MSG-1,

NOTING the draft Instrument Mission Implementation Agreement between the European Space Agency and the United Kingdom Natural Environment Research Council (NERC) on the flight of the GERB instrument on MSG-1 and the complementary Cooperation Agreement between NERC and EUMETSAT, approved by the EUMETSAT Council in its 36th and 40th meetings,

STRESSING the need for continuous operation of GERB instruments in order to achieve full operational and scientific value,

RECOGNISING that the second and third GERB instruments will have to be procured now, in order to ensure availability for MSG-2 and MSG-3 and in order to reduce cost to the minimum,

TAKING INTO ACCOUNT that the first GERB instrument is on schedule to be flown on MSG-1,

TAKING INTO ACCOUNT that the expenditure related to these GERB instruments is compatible with the overall financial envelope of the MSG Programme,

AGREE:

To include within the MSG Programme the procurement and operation of two GERB instruments for planned flight on the MSG-2 and MSG-3 spacecraft.

RESOLUTION ON

SPECIAL PAYMENT ARRANGEMENTS FOR 1999

**Adopted at the 40th meeting of the EUMETSAT Council
on 25-27 November 1998**

The EUMETSAT Member States,

CONSIDERING the significant increase in the level of contributions to EUMETSAT in 1999,

NOTING that the payment due dates for contributions laid down in Article 12 of the Financial Rules cause serious difficulties to a number of Member States in 1999,

WISHING to facilitate the provision of funds to EUMETSAT by those Member States as an exceptional measure in 1999,

TAKING INTO ACCOUNT that the proposed arrangements do not compromise the smooth execution of EUMETSAT's activities,

AGREE:

- I** That Member States shall, exceptionally, have the right to pay up to 20% of their annual contributions to EUMETSAT not later than 1 August 1999.
- II** That such delays will not incur the payment of interest charges by the relevant Member State as foreseen in Article 12.7 of the Financial Rules.
- III** That 20% of the contributions of those Member States who pay their full annual contributions according to the EUMETSAT budget in accordance with the deadlines defined in Article 12 of the Financial Rules (attached to this Resolution) will be credited, from the date of receipt and until 1 August 1999, to their respective Working Capital Fund accounts.

ARTICLE 12
PROVISION OF FUNDS

- 1** The Council's adoption of the budget shall constitute the obligation of each Member State to make available to EUMETSAT the financial contributions fixed in the budget. As soon as the budget is adopted, the Director will notify each Member State of the amount of its contribution. The annual contributions shall be transferred to EUMETSAT's accounts within the time limit expressed in paragraph 2.
- 2** As a rule, one half of the annual contributions shall be paid before 20 January if the Budget has been adopted before 1 January, or, within thirty days following the adoption of the Budget if it has not been adopted before 1 January; the second half shall be paid before 1 May or within thirty days following the adoption of the budget, if it has not been adopted before 1 May.

Exceptionally, Member States which are, for internal reasons, not in a position to pay the first instalment on 20 January, shall pay the full amount not later than 15 March. If the Budget has not been adopted before 15 February, payments shall be made within 30 days following the adoption of the Budget.

A change from one method of payment to the other shall be notified to EUMETSAT not later than 30 November of the preceding financial year.

Member States are invited to make a prepayment of contributions following adoption of the budget.
- 3** If a supplementary budget is adopted, the Member States shall make available any additional contribution which may be necessary within 60 days following adoption of the said budget.
- 4** Special payments under Art. 16 paragraph 5 of the Convention shall be made within the delay determined by the Council.
- 5** Each Member State shall pay its contributions in convertible currency.
- 6** Pending the receipt of such contributions, and if no EUMETSAT funds are available to cover payments, the Director may arrange bank advances or an overdraft for a period not exceeding one month. If this is not sufficient he may contract a loan after approval by the Chairman of the Council.
- 7** Any delay in the transfer of contributions due will incur the payment of interest charges by the Member State, at the rate of one percent over the Euro-Market.
- 8** The Director shall be authorised to make short term investments of funds not required for immediate needs, while keeping sufficient funds available to meet EUMETSAT's requirements and taking special care that these investments are secure.
- 9** The Director shall draw up quarterly and submit to the Member States a statement of finances and a statement showing the extent to which the Member States have paid their financial contributions.

RESOLUTION ON
THE INTRODUCTION OF THE EURO ON 1 JANUARY 1999

**Adopted at the 40th meeting of the EUMETSAT Council
on 25-27 November 1998**

The EUMETSAT Council,

HAVING REGARD to the Treaty on European Union (“The Maastricht Treaty”), signed on 7 February 1992, which entered into force in all Member States of the European Union on 1 October 1993,

HAVING REGARD to EU Council Regulation (EC) No. 1103/97, of 17 June 1997, On Certain Provisions Relating to the Introduction of the euro,

TAKING INTO ACCOUNT that, pursuant to the above EU provisions, the ECU will cease to exist, and will be replaced by the euro on 1 January 1999, at a rate of one euro to one ECU,

TAKING INTO ACCOUNT Article 10 of the EUMETSAT Convention, which establishes that the EUMETSAT Budget shall be established in terms of ECU,

TAKING INTO ACCOUNT Annex II of the Convention which defines the financial envelopes of EUMETSAT programmes in terms of ECU,

WISHING to replace the reference to the ECU by the euro in all EUMETSAT legal instruments from 1 January 1999,

AGREES:

- I** That all references to the ECU in the EUMETSAT Convention shall be deemed to refer to the euro from 1 January 1999, as defined in the relevant EU Regulations.
- II** To amend all relevant provisions in the EUMETSAT Financial Rules and Staff Rules as required to replace all references to ECU by references to euro.
- III** That all references to ECU in past Council Resolutions and Decisions still in force on 1 January 1999 shall be deemed to refer to the euro.
- IV** That all references to ECU in EUMETSAT Cooperation Agreements and Licence Agreements in force on 1 January 1999 can be deemed to refer to the euro.
- V** That any legal instrument set up by EUMETSAT after 1 January 1999 shall refer to the euro instead of the ECU.

RESOLUTION ON
THE OZONE MONITORING INSTRUMENT FOR METOP-3

**Adopted at the 40th meeting of the EUMETSAT Council
on 25-27 November 1998**

The EUMETSAT Member States,

BEARING IN MIND Council Resolution EUM/C/96/Res. V on the EUMETSAT Polar System (EPS) Programme and the statement contained therein on “Global Ozone Monitoring Experiment (GOME-2) flying on METOP-1 and 2 and ImS being considered for METOP-3 assuming compatibility with the EPS financial envelope”,

TAKING NOTE of the Procurement Proposal for the Ozone Monitoring Instruments, approved by Council at its 37th meeting on 28 January 1998, in which the above commitment is repeated verbatim,

TAKING NOTE of the advanced procurement of detectors already undertaken by EUMETSAT,

TAKING NOTE of the GOME Contract Proposal presented in document EUM/C/40/98/DOC/6 presented to the 40th meeting of Council, which included an option for GOME 203 on METOP-3, and which is subsequently updated in document EUM/C/40/98/DOC/6 Rev.1,

CONSIDERING to retain a “level playing field” for the choice of the Ozone Monitoring Instrument for METOP-3, in line with the above Resolution EUM/C/96/Res.V and to preserve the basic principle of best value-for-money,

AGREE:

- I** That EUMETSAT shall not provide funding for long lead items or other advanced procurements for the Ozone Monitoring Instrument for METOP-3 before a decision is made by Council on which instrument to fly.
- II** That a comparison between the GOME-203 instrument and the ImS instrument shall be made, based on the original requirements and based on a committing updated offer by Officine Galileo for GOME-203 and a committing offer by Fokker Space for ImS.
- III** That the Secretariat, in making the best value-for-money comparison between the two offers, shall consider and trade off all technical, managerial and financial aspects, as well as all aspects of the scientific and operational value, including the continuity of the observations for the whole EPS Programme, of each instrument.

- IV** That the maximum envelope for all three Ozone Monitoring Instruments shall be 44.15 MECU (at 1996 economic conditions) including the cost of the development of the pre-processing algorithm(s) and the prototype pre-processor(s), and possible additional cost of accommodation of the Ozone Monitoring Instrument on METOP-3.

- V** That the Director shall present a Contract Proposal for the Ozone Monitoring Instrument for METOP-3 at the June 1999 Council Meeting.

RESOLUTION ON
THE CONTINUATION OF THE EPS PROGRAMME
Adopted at the 40th meeting of the EUMETSAT Council
on 25-27 November 1998

The EUMETSAT Member States,

BEARING IN MIND that all Member States have voted in favour of the EPS Programme,

RECALLING Resolution EUM/C/98/Res.VIII, adopted at the 39th meeting of the EUMETSAT Council on 7 September 1998, which approved the start of the EPS Programme,

NOTING that the votes of some Member States are still conditional with regard to the finalisation of internal approval procedures,

EXPECTING that the Member States which have voted in favour, ad referendum, will be able to lift their referenda in the very near future,

CONVINCED about the need to continue programme activities,

AGREE:

- I** That EPS programme activities shall continue nominally.
- II** That the Member States voting in favour, ad referendum, of the EPS Programme, will be legally obliged to contribute financially to the Programme only after finalisation of national approval procedures, and that their contributions would only become due 30 days after notification thereof.
- III** That in the 1999 Budget, an amount corresponding to the Commitment Appropriations and Payment Appropriations of the Member States voting in favour, ad referendum, of the EPS Programme remains blocked until the finalisation of national approval procedures has been notified to the EUMETSAT Secretariat – as do the automatic carry-forwards of Commitment Appropriations and Payment Appropriations corresponding to these Member States' contributions to the EPS Programme in 1998.
- IV** That if the Member States voting in favour, ad referendum, of the EPS Programme would not be in a position to confirm finalisation of national approval procedures by 31 March 1999 at the latest, these Member States who have agreed unconditionally to contribute to the Programme will decide on the action to be taken.