ESA/LEG/323
Paris, 23 May 2007

EUROPEAN SPACE AGENCY

LEGAL DOCUMENTS

Signature of the Arrangement between the Government of New Zealand and the European Space Agency on the setting up and use of telemetry and tracking facilities for the purpose of the Agency's launcher programmes and activities

The Arrangement between the Government of New Zealand and the European Space Agency on the setting up and use of telemetry and tracking facilities for the purpose of the Agency's launcher programmes and activities was signed in Paris (ESA-HQ) on 29 March 2007 by ESA's Director General, Mr. Jean-Jacques Dordain and by Mrs Sarah Dennis Ambassador of New Zealand in France.

This Arrangement was approved by Council at its 190th meeting on 13/14 December 2006 (ESA/C(2006)131). This Arrangement has come into effect on the date of its signature i.e. on 29 March 2007 and will terminate on 31 December 2016. It may be extended by amendment in accordance with Paragraph 4.1.

ESA/LEG/323
Paris, le 23 mai 2007
(Traduit de l'anglais)

AGENCE SPATIALE EUROPÉENNE

DOCUMENTS JURIDIQUES

Signature de l'Arrangement entre le Gouvernement de la Nouvelle-Zélande et l'Agence spatiale européenne concernant la mise en place et l'utilisation de moyens de télémesure et de poursuite pour les besoins des programmes et activités de lancement de l'Agence

L'Arrangement entre le Gouvernement de la Nouvelle-Zélande et l'Agence spatiale européenne concernant la mise en place et l'utilisation de moyens de télémesure et de poursuite pour les besoins des programmes et activités de lancement de l'Agence a été signé à Paris (au siège de l'Agence) le 29 mars 2007 par M. Jean-Jacques Dordain, Directeur général de l'ASE, et Mme Sarah Dennis, Ambassadrice de Nouvelle-Zélande en France.

Cet Arrangement avait été approuvé par le Conseil lors de sa 190e session, tenue les 13-14 décembre 2006 (ESA/C(2006)131). Il a pris effet à la date de sa signature, le 29 mars 2007, et restera en vigueur jusqu'au 31 décembre 2016. Il pourra être prorogé par amendement conformément au point 1 de son paragraphe 4.

ARRANGEMENT

BETWEEN

THE EUROPEAN SPACE AGENCY

AND

THE GOVERNMENT OF NEW ZEALAND

ON THE SETTING UP AND USE

OF TELEMETRY AND TRACKING FACILITIES

FOR THE PURPOSE OF

THE AGENCY'S LAUNCHER PROGRAMMES AND ACTIVITIES

THE EUROPEAN SPACE AGENCY, an international organisation conducting space activities for peaceful purposes established by the Convention for the Establishment of a European Space Agency (Paris, 30 May 1975), (hereinafter called "the Agency" or ESA)

AND

THE GOVERNMENT OF NEW ZEALAND,

hereinafter called "the Participants",

CONSIDERING that a network of downrange stations for tracking the trajectory of launch vehicles totally or partially developed under an ESA optional programme (hereinafter referred to as "launch vehicles") is an essential requirement of the Agency's launcher programmes and activities, and that the location of New Zealand makes it a desirable place in which to install and operate a transportable downrange station for telemetry reception of launch vehicles (hereinafter referred to as "telemetry and tracking facilities"),

DESIROUS to conclude to this effect an Arrangement setting out terms and conditions applicable to the provision of tracking services from New Zealand,

HAVE REACHED THE FOLLOWING UNDERSTANDINGS:

PARAGRAPH 1

1 The Agency may from time to time install and operate telemetry and tracking facilities on land in the general location indicated in Annex I to this Arrangement (hereinafter referred to as "the site").

2 The installation and operation of the telemetry and tracking facilities will be carried out by the Centre National d'Etudes Spatiales (CNES), or such other agent as may be designated by the Agency.

3 The telemetry and tracking facilities will be used to receive telemetry data from launch vehicles launched from the Guiana Space Centre in the French Department of Guiana. The telemetry and tracking facilities will consist of a transportable Ariane telemetry station (hereinafter referred to as the "Ariane station") or such similar equipment related to the telemetry reception of launch vehicles as may be put at the disposal of the Agency and managed under its responsibility (hereinafter referred to as "other telemetry equipment"). A general description of a standard Ariane station is provided in Annex II to this Arrangement. The Agency will provide to the Government of New Zealand descriptions of any other telemetry equipment to be used from time to time.

4 The duration of each mission, including the setting up and operation of the telemetry and tracking facilities, will be limited and generally less than 3 months. At the end of each mission, the Agency will have the possibility of exporting the Ariane station and any other telemetry equipment to another site in the world, or of leaving it at the site.

PARAGRAPH 2

1 The Government of New Zealand will provide to the Agency general advice and information in order to assist the implementation of this Arrangement, and will facilitate the Agency's contacts with relevant government departments and local authorities.

2 Venture Southland will be the implementing authority on the New Zealand Government side in respect of the site and associated services and facilities, and will secure the Agency's use of the site for the duration of each mission.

3 Matters concerning the use of the site, including the building of roads and infrastructure (including fences, power supply, accommodation and telecommunications) required for the operation of the telemetry and tracking facilities, will be the subject of further arrangements between ESA or its designated agent, and Venture Southland.

4 The New Zealand Ministry of Economic Development will provide to the Agency advice and information on the regulatory requirements to be satisfied by the Agency in respect of the installation and use of the telecommunications facilities required for the proper functioning of the telemetry and tracking facilities.

5 Upon the Agency's application, the New Zealand Ministry of Economic Development will license, as appropriate, the use of radio spectrum for the operation of the telemetry and tracking facilities, in accordance with the New Zealand Radio communications Act 1989. The relevant radio frequencies and conditions of access are set out in Annex III to this Arrangement.

6 The New Zealand Customs Service will provide to the Agency advice and information on administrative requirements for the entry into and exit out of New Zealand of the telemetry and tracking facilities, and will facilitate such entry and exit in accordance with the relevant New Zealand legislation.

7 Upon receipt of a copy of this Arrangement as security, the New Zealand Customs Service will allow temporary entry of the telemetry and tracking facilities, thereby securing an exemption from import duty (including Goods and Services Tax) in respect of those facilities. No duty or Goods and Services Tax will be incurred upon export of the telemetry and tracking facilities.

PARAGRAPH 3

1 The Agency will keep the Government of New Zealand regularly informed of the activities of the telemetry and tracking facilities and other activities related to their use.

2 The Agency will keep the Government of New Zealand informed of the development of its activities and programmes, in particular in the domain of telecommunications, remote sensing, environmental monitoring and meteorology.

3 The Government of New Zealand will inform the Agency of activities likely to be of interest to it. Representatives of the Government of New Zealand and the Agency will consult from time to time with a view to identifying and pursuing projects of common interest, and in particular promoting educational opportunities for students from the Southland region, and will agree on the best ways and means of implementing such initiatives. This may include the provision by the Agency of scholarships or the organisation of lectures involving European experts or of special events covering space activities.

PARAGRAPH 4

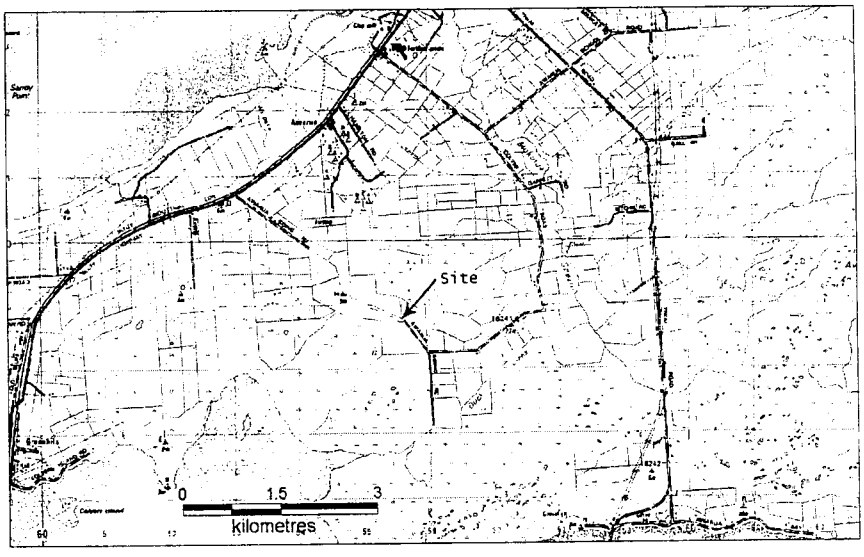
1 This Arrangement may be amended (and in particular may be extended to other ESA programmes and activities) by an exchange of letters between the Participants.

2 This Arrangement will come into effect on the date of signature and will come to an end on 31 December 2016. It may be extended by amendment in accordance with sub-paragraph 1 of this Paragraph.

3 This Arrangement may be terminated by either Participant with no less than 12 months' notice to the other Participant. The Participants will agree on winding-up measures to be completed in the period between such notice and the date of termination.

Annex I: General location of the site

The site is located in the Awarua area, NZMS 260 E47 5552 9883, 46° 31.730S 168° 22.870E.



Annex II: General description of a standard Ariane Station

1 Main functions of the Ariane Station

- Reception of launcher telemetry during the phase when the launcher is visible from the site selected;
- Recording of launcher telemetry;
- Transmission, by means of its own telecommunications equipment, of launcher telemetry to the CNES centres at Toulouse (France) and Kourou (French Guiana), in real time and by delayed transmission.

2 Composition of the Ariane station

The Ariane station currently comprises two main elements, all loaded on European standard trailers about 10m in length,. The elements are:

- A 4 to 5m parabolic antenna; and
- A technical shelter for operational electronic equipment including an energy unit (generators, diesel tank, inverters), with a noise level which will not exceed 75 dBA at 1m.

In addition, the site includes support facilities including:

- A workshop/living quarters shelter;
- Equipment storage and office shelter; and
- Mains power supply.

The station's telecommunications equipment includes:

- Two Inmarsat standard B stations; and
- One satellite telephone, Iridium or Globalstar (t.b.c).

The Ariane station collimation system is made of:

- A 20m collapsible mast,
- A transmitting antenna to test the station's receiving antenna, with the corresponding transmitter,

- Remote control of the above transmitter activated from the station by a dedicated microwave link,
- A solar power unit supplying the whole system.

The definition and configuration of the Ariane station as described above may be modified from time to time by the Agency in order to meet specific requirements of the Agency's launcher missions.

Annex III: Radio frequency requirements

The frequencies used by the Ariane station and conditions of spectrum access are set out below. Applications for licences and additional spectrum requirements may be made to Radio Spectrum Management, New Zealand Ministry of Economic Development.

1 Ariane telemetry (reception only)

- Reception in the S-band (2200–2290 MHz)
- Punctual emission (to test the station) from the collimation mast, with a maximum power of less than 1 mW, in the same frequency band as the reception, by steps of 500 kHz

No licence is required to receive transmissions from space, however this frequency range is subject to private management rights in New Zealand. Any terrestrial transmissions or protection from co-channel terrestrial transmissions must be licensed by the owners of the management rights. The owners are:

- TelstraClear (2200–2236.5 MHz – MR 104)
- Woosh Wireless Ltd (2236.5–2265.5 MHz – MR 106)
- BCL (2265.5–2300 MHz – MR 107 and MR 3)

Management rights are subject to conditions limiting the transfer of the rights and the issuing of licences. The Agency will comply with such conditions, where necessary by providing for a New Zealand legal person to hold the rights and licences on behalf of the Agency.

2 Radio link to command the collimation system

- Frequency: 433–434 MHz
- Power: 10 mW

Specific licences are not required provided that operations conform to the conditions of the Radiocommunications Regulations (General User Radio Licence for Short Range Devices) Notice 2004 or subsequent amendment.

3 Station's Inmarsat Standard B

- Reception frequency: 1525–1559 MHz
- Emission frequency: 1626.5–1660.5 MHz
- Emission power: 25 dBW (including the antenna gain)

Specific licences are not required provided that operations conform to the conditions of the Radiocommunications Regulations (General User Radio Licence for Satellite Services) Notice 2005 or subsequent amendment.

SIGNED at Paris on 29 March 2007

in originals in the English language.

For the European Space Agency

For the Government of New Zealand