

ORGANISATION EUROPÉENNE POUR LA RECHERCHE NUCLÉAIRE
CERN EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

THIRTY-SIXTH SESSION OF THE COUNCIL

Geneva - 13 and 14 December, 1967

PROPOSED AMENDMENTS TO THE CERN CONVENTION

The attached document sets out the amendments proposed to the Convention, together with a Council Resolution recommending to Member States their acceptance.

This document should be read in conjunction with document CERN/GEN/8*, and document CERN/729/Rev.2 which explains the purpose and effect of the amendments proposed.

Document CERN/716/Rev.5 gives the amended text in parallel with that of the present Convention.

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* Official text of the CERN Convention : "Convention for the Establishment of a European Organization for Nuclear Research", Paris, 1st July, 1953.

DRAFT RESOLUTION

The COUNCIL,

desiring to prepare for the construction of a new Laboratory to include a proton synchrotron for energies of about 300 GeV;

considering that the construction of such a Laboratory could not be carried out under the present terms of the Convention;

desiring nevertheless to retain the unity of the Organization and the spirit of the present Convention, the efficacy of which has been amply demonstrated since the creation of the Organization;

RESOLVES:

- (a) by virtue of the powers conferred upon them by the terms of paragraph 1 of Article X of the Convention, to recommend to Member States the amendments to the Convention which are attached to this Resolution;
- (b) that the Director-General should communicate the recommended amendments without delay to the Member States, inviting them to notify him at the earliest date possible in writing of their acceptance, in accordance with paragraph 2 of Article X;

- (c) that the Director-General should notify Member States of each such acceptance as it is received, and of the date of coming into force of the amendments, as defined in paragraph 2 of Article X.

PROPOSED AMENDMENTS TO THE
CERN CONVENTION

Amendment No. 1

Article I

paragraph 2:

after: "Geneva"

add: "unless the Council referred to in Article IV subsequently decides by a two-thirds majority of all the Member States to transfer it to the place where another of the Laboratories referred to in sub-paragraph (a) of paragraph 2 of Article II is situated"

Amendment No. 2

Article II

delete paragraphs 2, 3 and 4

insert the following paragraphs:

" 2. The Organization shall, in the collaboration referred to in paragraph 1 above, confine its activities to the following:

- (a) The construction and operation of one or more international laboratories (hereinafter referred to as "the Laboratories") for research on high-energy particles, including work in the field of cosmic rays. Each Laboratory shall include:
 - (i) one or more particle accelerators;
 - (ii) the necessary ancillary apparatus for use in the research programmes carried out by means of the machines referred to in (i) above;
 - (iii) the necessary buildings to contain the equipment referred to in (i) and (ii) above and for the administration of the Organization and the fulfilment of its other functions.

Amendment No. 2 (cont'd)

(b) The organization and sponsoring of international co-operation in nuclear research, including co-operation outside the Laboratories. This co-operation may include in particular:

- (i) work in the field of theoretical nuclear physics;
- (ii) the promotion of contacts between, and the interchange of, scientists, the dissemination of information, and the provision of advanced training for research workers;
- (iii) collaborating with and advising other research institutions;
- (iv) work in the field of cosmic rays.

3. The programmes of activities of the Organization shall be:

- (a) The programme carried out at its Laboratory at Geneva, including a proton synchrotron for energies above ten gigaelectronvolts (10^{10} eV) and a synchro-cyclotron for energies of six hundred million electronvolts (6×10^8 eV);
- (b) The programme for the construction and operation of the intersecting storage rings connected to the proton synchrotron described in sub-paragraph (a) above;
- (c) The programme for the construction and operation of a Laboratory to include a proton synchrotron for energies of about three hundred gigaelectronvolts (3×10^{11} eV);
- (d) any other programme falling within the terms of paragraph 2 above.

4. The programmes referred to in sub-paragraphs (c) and (d) of paragraph 3 above shall require approval by the Council by a two-thirds majority of all the Member States. In giving such approval, the Council shall define the programme, and this definition shall include those administrative, financial and other provisions necessary for the proper management of the programme.

Amendment No. 2 (cont'd)

5. Any change to the definition of a programme shall require approval by the Council by a two-thirds majority of all the Member States.

6. Until the bringing into operation of the accelerator referred to in sub-paragraph (c) of paragraph 3 above, the date of which shall be determined by the Council by a two-thirds majority of all the Member States, the basic programme of the Organization shall be that referred to in sub-paragraph (a) of that paragraph. From that date, the programme referred to in sub-paragraph (c) shall also become part of the basic programme, and the Council may, by a two-thirds majority of all the Member States, decide that the programme referred to in sub-paragraph (a), provided that no Member State participating in that programme votes to the contrary, is no longer part of the basic programme."

Amendment No. 3

Article II

paragraph 5:

- (i) renumber as paragraph 7
- (ii) line 1 and line 5:
 - delete: "Laboratory"
 - insert: "Laboratories"
- (iii) line 3:
 - delete: "its basic and any supplementary"
 - insert: "their"

Amendment No. 4

Article III

paragraph 2, sub-paragraph (a):

- (i) line 3:
 - after: "decision of"
 - insert: "all the"

Amendment No. 4 (cont'd)

paragraph 2, sub-paragraph (b):

(ii) line 3:

delete: "may"

insert: "shall"

(iii) line 3:

delete: "Director"

insert: "President of the Council"

(iv) line 3:

delete: "Director"

insert: "President"

Amendment No. 5

Article III

delete paragraph 3

insert the following paragraphs:

" 3. Each Member State shall signify in writing to the President of the Council those programmes of activities in which it wishes to participate. No State shall be entitled to become or to remain a member of the Organization unless it participates in at least one of the programmes of activities forming part of the basic programme.

4. The Council may, by a two-thirds majority of all the Member States, determine a minimum initial period of participation in any programme of activities together with a limit on the expenditure that may be incurred for that programme during that period. Once this period of participation and limit of expenditure have been so determined, the Council may, by the same majority, change either provided that no Member State participating in the programme votes to the contrary. Subject to any such minimum period of participation, a Member State may at any time give notice in writing to the President of the Council of withdrawal from any programme, and such withdrawal shall take effect at the end of the financial year following that in which notice is given, or on such later date as the Member State proposes.

Amendment No. 5 (cont'd)

5. In the event that a programme of activities comes to an end, the Council shall be responsible for its liquidation, subject to any agreement which may be made at the time between the Member States participating in that programme, and subject also to the relevant terms of any agreement which exists between the Organization and the States on the territories of which the programme is being carried out. Any surplus shall be distributed among those Member States which are participating in the programme at the time of its termination, in proportion to the total contributions actually made by them in respect of that programme. In the event of a deficit, this shall be met by the same Member States in the same proportions as those in which their contributions in respect of the programme have been assessed for the financial year then current."

Amendment No. 6

Article III

paragraph 4:

- (i) renumber as paragraph 6
- (ii) line 1 and line 2:
 - delete: "purpose of the basic and any supplementary programmes of"
 - insert: "purposes of the"

Amendment No. 7

Article IV

line 1:

- delete: "a Director"
- insert: "in respect of each Laboratory a Director-General,"

Amendment No. 8

Article V

paragraph 2, sub-paragraph (b):

line 1 and line 2:

delete: "detailed schemes of research and decide on
any supplementary"

insert: "the"

Amendment No. 9

Article V

paragraph 2, sub-paragraph (c):

line 1:

delete: "the budget"

insert: ", by a two-thirds majority of Member States
represented and voting, the parts of the
budget which apply to the different programmes
of activities"

Amendment No. 10

Article V

paragraph 2, sub-paragraph (e):

delete: "establishment"

insert: "establishments"

Amendment No. 11

Article V

paragraph 2, sub-paragraph (f):

after: "report"

add: "or reports"

Amendment No. 12

Article V

(i) paragraph 4:

lines 1 to 6:

delete: ", except that a Member State shall not be entitled to vote in regard to activities specified in any supplementary programme, unless it has agreed to make a financial contribution to that supplementary programme or unless the matter voted upon relates to facilities to the cost of which it has contributed."

add a full stop after the word "Council" on line 1.

(ii) after paragraph 4:

insert the following paragraphs:

" 5. Except where otherwise provided in this Convention, decisions of the Council shall be taken by a simple majority of Member States represented and voting.

6. Where this Convention or the Financial Protocol annexed thereto provides that a matter requires approval by the Council by a two-thirds majority of all the Member States, and this matter relates directly to any programme of activities, the majority shall include also a two-thirds majority of all the Member States participating in that programme.

7. Except where this Convention or the Financial Protocol annexed thereto provides that a matter requires approval by the Council unanimously or by a two-thirds majority of all the Member States, no Member State shall be entitled to vote in regard to any matter falling within the limits of a programme as defined by the Council by virtue of Article II unless it participates in that programme or unless the matter affects directly any programme in which it participates."

Amendment No. 13

Article V

paragraph 5:

- (i) renumber as paragraph 8
- (ii) line 1:
 - delete: "have no"
 - insert: "not be entitled to"
- (iii) line 4:
 - after: "financial year."
 - insert: "Similarly, it shall not be entitled to vote in the Council in respect of a particular programme of activities if the amount of its unpaid contributions to that programme exceeds the amount of the contributions due from it for the current financial year and the immediately preceding financial year."

Amendment No. 14

Article V

after paragraph 5 (renumbered as paragraph 8)
insert the following paragraph:

" 9. For the discussion of any matter in the Council the presence of delegates from a majority of the Member States entitled to vote on that matter shall be necessary to constitute a quorum."

Amendment No. 15

Article V

- (i) paragraph 6:
 - delete
- (ii) paragraph 7:
 - renumber as paragraph 10
- (iii) paragraph 8:
 - delete
- (iv) paragraph 9:
 - renumber as paragraph 11

Amendment No. 16

Article V

paragraph 10:

- (i) renumber as paragraph 12
- (ii) line 1:
 - delete: "may establish"
 - insert: "shall establish a Scientific Policy Committee and a Finance Committee, and"
- (iii) line 1:
 - after: "such"
 - insert: "other"
- (iv) line 2:
 - after: "Organization"
 - insert: ", and in particular for the execution and co-ordination of its different programmes"
- (v) line 4:
 - after: "Member States."
 - add: "Subject to the provisions of this Convention, and of the Financial Protocol annexed thereto, such subordinate bodies shall adopt their own rules of procedure"

Amendment No. 17

Article V

paragraph 11:

renumber as paragraph 13

Amendment No. 18

Article VI

title:

- (i) delete: "Director"
insert: "Directors-General"

paragraph 1, sub-paragraph (a):

- (ii) line 2:
delete: "a Director"
insert: "for each Laboratory a Director-General"
- (iii) line 4:
delete: "The Director"
insert: "In respect of the Laboratory under his
direction each Director-General"
- (iv) line 6 and line 7:
delete: "the financial administration of the
Organization"
insert: "financial administration"
- (v) line 9:
delete: "He"
insert: "Each Director-General"

paragraph 1, sub-paragraph (b):

- (vi) line 1 and line 2:
delete: "the Director"
insert: "a Director-General"

paragraph 2:

- (vii) line 1:
delete: "The Director"
insert: "Each Director-General"

paragraph 3:

- (viii) line 2:
delete: "Director"
insert: "Director-General concerned"

Amendment No. 19

Article VI

paragraph 1, sub-paragraph (a):

line 8:

after: "this Convention."

insert: "The Council may, by a two-thirds majority of all the Member States, delegate to the Directors-General, either separately or jointly, authority to act on behalf of the Organization in other matters."

Amendment No. 20

Article VI

paragraph 3:

line 5:

delete: "the Director"

insert: "subordinate bodies established under the terms of paragraph 12 of Article V and to the Directors-General"

Amendment No. 21

Article VI

paragraph 3:

(i) line 7:

delete: "staff regulations"

insert: "the Staff Rules"

(ii) line 8:

delete: "scientists"

insert: "persons"

(iii) line 8:

after: "by"

insert: "or on behalf of"

Amendment No. 22

Article VI

paragraph 3:

line 9:

delete: "carry out research in the Laboratory,"

insert: "work at any Laboratory"

Amendment No. 23

Article VI

(i) paragraph 3:

line 10:

delete: "Director"

insert: "Director-General concerned,"

(ii) paragraph 4:

line 1 and line 6:

delete: "Director"

insert: "Directors-General"

Amendment No. 24

Article VII

paragraph 1, sub-paragraph (b):

line 1:

delete: "a scale"

insert: "scales"

Amendment No. 25

Article VII

paragraph 1, sub-paragraph (b) (i):

delete the present text

Amendment No. 25 (cont'd)

insert the following sub-paragraph:

"(i) in respect of any programme of activities, the Council may determine, by a two-thirds majority of all the Member States, a percentage as the maximum which any Member State may be required to pay of the total amount of contributions assessed by the Council to meet the annual cost of that programme. Once any such maximum percentage has been so determined, the Council may, by the same majority, change it, provided that no Member State participating in that programme votes to the contrary."

Amendment No. 26

Article VII

paragraph 1, sub-paragraph (b) (ii):

after: "accordingly."

add: "For the purpose of applying this provision it shall be considered to be a special circumstance, in particular, when the national income "per capita" of a Member State is less than an amount to be decided by the Council by the same majority."

Amendment No. 27

Article VII

after paragraph 1:

add the following paragraph:

" 2. When participation by the Organization in a national or multi-national project forms a programme of activities of the Organization, the terms of paragraph 1 above shall apply unless the Council, by a two-thirds majority of all the Member States, determines otherwise."

Amendment No. 28

Article VII

paragraph 2:

- (i) renumber as paragraph 3
- (ii) line 3:
 - delete: "the specific activities to which it has agreed to contribute. In the event of some Member States not participating in a supplementary programme, the Council shall assess the scale of contributions to that programme among the participating Member States on the basis stated in sub-paragraph (b) of paragraph 1 above, but, for this purpose, proviso (i) shall be disregarded."
 - insert: "the programmes in which it participates."

Amendment No. 29

Article VII

paragraph 3:

- (i) renumber as paragraph 4
- sub-paragraph (a):
 - (ii) line 5:
 - after: "incurred"
 - insert: "in respect of the programmes in which they participate"
 - (iii) line 6:
 - after: "operating expenses."
 - insert: "The Council shall require a similar contribution from Member States in respect of any programme in which they first participate after its commencement."
- sub-paragraph (b):
 - (iv) last line:
 - after: "Member States"
 - add: "in respect of the programmes concerned"

Amendment No. 30

Article VII

paragraph 4:

renumber as paragraph 5

Amendment No. 31

Article VII

paragraph 5:

(i) renumber as paragraph 6

(ii) line 1 and line 2:

delete: "The Director may, subject to any directions
given by the Council,"

insert: "To the extent of the authority delegated to
him under the terms of sub-paragraph (a) of
paragraph 1 of Article VI, and subject to any
directions given by the Council, a Director-
General may"

Amendment No. 32

Article IX

line 4:

delete: "10"

insert: "12"

Amendment No. 33

Article IX

(i) line 5:

delete: "Director"

insert: "Directors-General"

Amendment No. 33 (cont'd)

- (ii) line 10:
 - delete: "agreement"
 - insert: "agreements"
- (iii) line 11:
 - delete: "Member State"
 - insert: "Member States"
 - after: "of which"
 - insert: "the Laboratories of"
- (iv) line 14 and line 15:
 - delete: "that Member State"
 - insert: "those Member States"

Amendment No. 34

Article X

paragraph 1:

line 2:

delete: "and of the annexed Financial Protocol"

Amendment No. 35

Article X

paragraph 1:

(i) line 3:

delete: "Director"

insert: "President of the Council"

(ii) line 4:

delete: "Director"

insert: "President"

Amendment No. 35 (cont'd)

paragraph 2:

(iii) line 1 and line 2:

delete: "Any amendment, other than an amendment of the
Financial Protocol annexed to this Convention,"

insert: "Any amendment of this Convention"

(iv) line 4 and line 5:

delete: "Director"

insert: "President"

(v) line 6:

after: "Member States"

insert: "and the Director-General of the United Nations
Educational, Scientific and Cultural Organization"

paragraph 3:

(vi) line 5:

delete: "Director"

insert: "President of the Council"

(vii) line 6:

after: "Member States"

insert: "and the Director-General of the United Nations
Educational, Scientific and Cultural Organization"

Amendment No. 36

Article XII

(i) line 2:

insert a comma after "may"

(ii) lines 2 to 7:

delete: "give notice in writing to the Director of with-
drawal from the Organization. Such withdrawal
shall take effect at the end of the financial
year in which it is notified if the notice is
given during the first nine months of that finan-
cial year. If the notice is given in the last
three months of the financial year, it shall come
into effect at the end of the next financial year."

Amendment No. 36 (cont'd)

insert: "subject to the provisions of paragraph 4 of Article III, give notice in writing to the President of the Council of withdrawal from the Organization and such withdrawal shall take effect at the end of the financial year following that in which notice is given, or at such later date as the Member State proposes."

Amendments No. 37, 38, 39 and 40

Apply only to the French text.

Amendment No. 41

Article XIX

paragraph 2:

line 1:

delete: "Director of the Organization"

insert: "President of the Council"
