

Status of the European Centre For Medium-Range Weather Forecasts (ECMWF)

ECMWF is an international intergovernmental organisation established by Convention which came into force on 1 November 1975 and which was amended on 6 June 2010: https://www.ecmwf.int/sites/default/files/amended_convention_protocol_privileges_en.pdf.

In accordance with Article 16 of the Convention, ECMWF has certain privileges and immunities which are set out in its Protocol on Privileges and Immunities. The Protocol grants ECMWF two important immunities: its property and income is exempt from all direct taxes; and it is immune from jurisdiction and execution. This aligns with principles of international law that no State is meant to be enriched (i.e. to receive taxes) at the expense of other ECMWF Member States who fund ECMWF and that no State's laws should take precedence over the laws of other ECMWF Member States.

Arbitration

ECMWF is immune from jurisdiction and execution and is therefore obliged under Article 23 of the Protocol to include an arbitration clause in all written contracts. The arbitration clause must include the method of appointing the arbitrators, and specify the applicable law and the country where the arbitrators shall sit. However, ECMWF does not have immunity from jurisdiction and execution in respect of the enforcement of an arbitration award and enforcement will be governed by the rules of the State in which the award is to be enforced. These provisions protect parties contracting with ECMWF by providing a reasonable but legally enforceable right of redress.

Arbitration Clause

The following arbitration clause, or a variation thereof, is offered by ECMWF to all contracting parties:

“This agreement is governed by and shall be construed in accordance with the laws of England and Wales. The parties shall attempt to settle any dispute between them in an amicable manner. If the dispute cannot be so settled, it shall be finally settled under the Rules of Arbitration of the International Chamber of Commerce by three arbitrators appointed in accordance with the said rules; sitting in London, England. The proceedings shall be in the English language. In accordance with Sections 45 and 69 of the Arbitration Act 1996, the right of appeal by either party to the English courts on a question of law arising in the course of any arbitral proceedings or out of an award made in any arbitral proceedings is hereby agreed to be excluded.

Nothing in this agreement is meant to be construed as a waiver of any of the privileges and immunities conferred upon ECMWF by virtue of its Convention and Protocol.”