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JOINT INSTITUTE FOR NUCLEAR RESEARCH

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**CHARTER
of the Joint Institute
for Nuclear Research**

Dubna 1994

CHARTER

OF THE JOINT INSTITUTE FOR NUCLEAR RESEARCH

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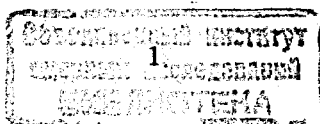
Approved by the Meeting of
Plenipotentiaries of the Institute
Member States on September 23, 1956,
changed by the Committee of
Plenipotentiaries of the Institute
Member States on March 18, 1992,
and signed by the Plenipotentiaries
of the Institute on June 23, 1992

The states which were members of the Joint Institute for Nuclear Research by the 18th of March 1992 and have not stopped their membership in the Joint Institute for Nuclear Research

noting that during the time of its existence the Joint Institute for Nuclear Research has been successfully fulfilling the tasks entrusted to it,

acknowledging at the same time that the principles of organization and the activities of the Joint Institute for Nuclear Research need improvement and bringing into accord with requirements to the modern level of international cooperation and of carrying out fundamental research,

basing on Article 42 of the Charter of the Joint Institute for Nuclear Research of September 23, 1956, have decided to change the Charter in force and word it in the following way:



CHAPTER I

General provisions

Article 1

The Joint Institute for Nuclear Research, hereinafter referred to as "the Institute", is an international intergovernmental scientific research organization created in accordance with the Agreement on establishing the Joint Institute for Nuclear Research of March 26, 1956 and basing its activities on the principles of its openness for participation to all the interested states, of their equal and mutually beneficial cooperation.

Article 2

Languages of the Institute Member States are the official languages of the Institute; the working languages are Russian and English.

Article 3

The location of the Institute: town Dubna, Moscow region, Russian Federation.

Article 4

1. The Institute has been established with the aim of uniting the efforts, scientific and material potentials of the Institute Member States for the investigations of the fundamental properties of matter.

The main directions of research at the Institute are elementary particle and atomic nuclei physics, physics of condensed states of matter using nuclear physical methods.

2. To achieve its goals the Institute:

- carries out theoretical and experimental investigations in the adopted scientific directions of its activities,

- organizes the exchange of experience in carrying out scientific research and of information obtained as a result of these investigations through publication of scientific papers, holding of conferences, symposiums, granting fellowships etc.,

- contributes into the all-round development of creative talents of the scientific workers of the Institute by providing favorable conditions for the growth of their professional skills,

- establishes and maintains contacts with other national and international scientific organizations with the aim of coordinating their activities and organizing mutually beneficial investigations,

- uses the results of scientific research of applied character by introducing them into industrial, medical and other technological developments with the aim of providing additional sources of financing the fundamental research.

3. The Institute activities are carried out in accordance with the generally accepted principles and norms of the international law.

The research results obtained at the Institute can be used only for peaceful purposes for the benefit of the whole mankind.

Article 5

1. In accordance with its status of an international organization, the Institute is an international legal personality. It has, in particular, the right to come into international agreements, to have observers at other international organizations whose activities correspond to the goals of the Institute defined in its Charter.

2. The Institute is a juridical person and possesses on the territories of its Member States the legal capacity which is necessary for implementing its functions.

For the purposes of the present Charter, the Convention on the legal status, privileges and immunities of international economic organizations acting in definite areas of cooperation of December 5, 1980 is applied to the Institute activities as it has been adopted by the contracting parties.

3. Specific issues of the legal status of the Institute on the territory of the Institute host state are regulated along with the Convention, mentioned

in p.2 of the present article, by a separate agreement signed by the Institute and the host state.

4. The Institute establishes its own rules regulating its activities. These rules are aimed at the exclusive provision of the most favorable conditions for the Institute activities and possess the priority over the legislature of the Institute host state.

CHAPTER II

Participation in the Institute activities

Article 6

Participation in the Institute activities is realized in different forms: on the basis of membership in the Institute as well as bilateral and multilateral agreements on the participation in separate scientific programs.

Article 7

1. The states which are members of the Institute in accordance with the Agreement on the establishment of the Joint Institute for Nuclear Research of March 26, 1956 (within the status for March 18, 1992) and which have not stopped their membership in the Institute are recognized as Member States of the Institute.

2. Any other state may be accepted into membership if it expresses in the written form the wish to participate in the work of the Institute, the agreement with the provisions of its Charter and the consent to fulfil all the obligations connected with their membership in the Institute.

The application on behalf of the Government is submitted to the Director of the Institute who sends it over to all the Member States without delay.

The Chairman of the Committee of Plenipotentiaries includes it into the agenda of the nearest session of the Committee of Plenipotentiaries which starts its work not later than 30 days after receiving the application by the Director of the Institute.

3. The decision to accept a state into the Institute membership is adopted in accordance with Art.20, item 2 of the present Charter. Simultaneously, the Committee of Plenipotentiaries defines the contribution of the new Member State of the Institute.

4. The Institute Member States share the financing of the Institute activities and have equal rights in controlling the Institute.

5. Any Member State of the Institute may drop out from membership but not earlier than three years after its acceptance into the Institute.

A written notice on leaving the Institute is to be sent to the Chairman of the Committee of Plenipotentiaries of the Institute not later than three months before the end of the current fiscal year.

Dropping out of the membership of an Institute Member State does not effect its financial obligations for the year when it leaves the Institute.

Dropping out of the Institute membership comes into force at the end of the fiscal year during which the Member State of the Institute has announced about its dropping out of the Institute. The amount of the monetary compensation to the states which have dropped out of the Institute membership is defined by the Finance Committee in accordance with their share in the capital expenditures of the Institute after the report on the budget for the fiscal year during which the state has announced of its dropping out of the Institute membership.

6. Rights and privileges connected with the membership of the Institute may be suspended with regard to any Member State of the Institute which has got arrears in case the total arrears equal the sum of its monetary shares for two preceding years or exceed this sum.

In this case a Member State of the Institute with financial arrears is deprived of the right to vote at the Committee of Plenipotentiaries of the Institute Member States, and there is also raised a question for this Member State to participate in the Institute activities.

Rights and privileges are returned to the Institute Member State immediately after the payment of the whole arrears or after paying on a certain date of a portion of it which in this case is defined by the Committee of Plenipotentiaries.

7. A Member State of the Institute whose rights and privileges have been suspended according to the established procedure may be expelled from the Institute in case it has not paid during two years the total sum of its arrears to the Institute for the period preceding the suspension of its rights and privileges.

Article 8

States which are not members of the Institute may participate in separate directions of the Institute research or in separate scientific projects of the Institute on the basis of bilateral agreements which are to be approved by the Committee of Plenipotentiaries.

Article 9

International and national scientific research organizations and institutions as well as individual scientists of states which are not members of the Institute may participate in its scientific projects on the basis of agreements signed with the Institute.

In the agreements, the parties define the character of the common activities, mutual obligations, volumes and procedures of indemnities for the use of equipment and materials of the Institute.

Article 10

With the aim of information exchange, organization of cooperation and coordination of activities, international organizations may be granted the consultative status of an observer at the Institute.

The consultative status gives an observer the right to participate according to the established procedures in the work of the highest body of the Institute.

CHAPTER III

Funds and Property of the Institute

Article 11

To provide for its activities envisaged by the Charter, the Institute possesses its own and attracted funds and property which are reflected in its balance formulated in hard currency.

Article 12

1. Funds of the Institute are formed from the following sources:
 - a) shares of the Institute Member States,
 - b) special financing of scientific projects,
 - c) funds obtained according to the protocols on scientific and technical cooperation,
 - d) profits from economic and commercial activities of the Institute,
 - e) income from utilization of intellectual property,
 - f) bank credits and loans,
 - g) other incomes.

2. The shares of the Institute Member States are defined in accordance with a special scale which will reflect the real participation of each Institute Member State in its activities.

The scale of shares is reconsidered when new members join the Institute or a Member State drops out from its membership.

The shares are paid in hard currency.

The cost of shipped equipment, instruments, materials, services and work fulfilled by orders of the Institute may be accepted on account of their shares.

3. The procedure of financing the Institute activities and forming its budget is regulated by the Finance Protocol which is an integral part of the Charter.

4. The Director of the Institute is responsible for spending the Institute funds in accordance with the approved budget.

While executing the budget, the Institute Director may make partial changes in the distribution of funds over the articles of the budget within the limits fixed by the Committee of Plenipotentiaries.

Article 13

1. The Institute possesses the proprietary right for the buildings, constructions, scientific installations, equipment and instruments as well as for other property, such as:

- a) property passed over to it for free exploitation or on account of the shares, by the Institute Member States,
- b) property acquired or manufactured by the Institute on account of its own funds,
- c) property received by the Institute as inheritance, gift or other civil transactions.

2. The procedure of using the funds and property of the Institute is established by the Committee of Plenipotentiaries.

Article 14

In case a Member State drops out or is expelled from the Institute, the money and the property contributed by this Member State are compensated only at the liquidation of the Institute.

CHAPTER IV

Committee of Plenipotentiaries

Article 15

The Committee of Plenipotentiaries of the Governments of the Institute Member States is the highest body of the Institute.

Article 16

1. Each member of the Institute has one representative in the Committee of Plenipotentiaries. In extraordinary cases and in the written form, the Plenipotentiary has the right to appoint his deputy and pass over to him his powers.

When a state appoints or changes its representative in the Committee of Plenipotentiaries, the appointed Plenipotentiary should present his written powers to the Chairman of the Committee of Plenipotentiaries.

Article 17

1. The Committee of Plenipotentiaries performs the following functions:

- a) admits new members into the Institute, suspends the rights and privileges of the Institute Member States which have got arrears and expels them from the Institute in the cases envisaged by the present Charter,
- b) takes a decision on granting the consultative status of an observer at the Institute,
- c) approves the agreements on participation in the Institute activities signed on the basis of Arts.6 and 8 of the Charter,
- d) defines the prospects and directions of the Institute development, approves the plans of its scientific activities,
- e) adopts and reconsiders the scale of obligatory shares of the Institute Member States, as well as defines the volumes, terms and procedure of contributing the shares and special contributions of other organizations and institutions participating in separate projects of the Institute,
- f) defines the minimum and maximum quotas of specialists from the Institute Member States participating in its work,
- g) approves the Status of the Director of the Institute and the Institute Staff Regulations,
- h) approves the annual budget of the Institute and the report on its execution, as well as the report on the scientific activity of the Institute,
- i) elects the Director and approves the nomination of the Institute Vice-Directors, the Administrative Director, the Chief Scientific Secretary and the Chief Engineer, and recalls them if necessary,
- k) fixes the level of salaries for different categories of the Institute staff,

l) forms its standing and provisional working bodies, receives their reports and controls their activities,

m) introduces changes and amendments into the Charter of the Institute according to the established procedure and in conformity with item 2 of Art.20, and Art.38 of the present Charter.

2. The Committee of Plenipotentiaries may also accept for consideration any other issue related with the activities of the Institute.

Article 18

1. The Committee of Plenipotentiaries carries out its activities in the session order.

Regular sessions of the Committee of Plenipotentiaries are convened annually at the time and in the place agreed upon at the preceding session.

2. An extraordinary session of the Committee of Plenipotentiaries may be convened on its own decision or on the demand of not less than 1/3 of the Institute members.

3. The sitting of the Committee of Plenipotentiaries is considered competent if not less than 2/3 of its members are present.

4. The Committee of Plenipotentiaries adopts its rules and procedures, elects the Chairman and defines the term of his powers.

Article 19

At the consideration of any problem each member of the Committee of Plenipotentiaries has one vote.

Article 20

1. The Committee of Plenipotentiaries takes decisions and recommendations on the considered issues.

2. The decisions to admit new members or expel a member from the Institute are taken on the basis of consensus. Other decisions are taken by a 2/3 majority of the present and voting participants.

3. Recommendations are taken by simple majority of the present and voting participants. In case the votes are divided into two equal parts, the decisive vote belongs to the Chairman of the Committee of Plenipotentiaries who cannot abstain from voting in this situation.

4. During the session of the Committee of Plenipotentiaries, minutes of the sittings are recorded.

Article 21

The Scientific Council and the Finance Committee attached to the Committee of Plenipotentiaries are established to function.

Article 22

1. The Scientific Council comprises:
a) one scientist of each Member State of the Institute who is appointed, recalled or replaced by the Plenipotentiary,
b) scientists mainly of the Institute Member States, elected by the Committee of Plenipotentiaries on the presentation by the Director of the Institute and by the Scientific Council members appointed in conformity with sub-item a), item 1 of the present article without taking into account the equal representation of Member States,
c) the Director of the Institute.

2. The Scientific Council:
a) evaluates the results of the scientific activities of the Institute,
b) draws conclusions on the plans of scientific research of the Institute, submitted by its Director, and on the reports on their implementation,
c) makes an expert examination of the proposals of the Director and individual members of the Institute on the development of new scientific programs and projects,

d) works out recommendations on the improvement of the scientific activities of the Institute.

e) defines its own rules and procedures and submits them for approval to the Committee of Plenipotentiaries,

f) sends its decisions and recommendations on the considered issues to the Chairman of the Committee of Plenipotentiaries.

3. The Scientific Council holds its sessions at least two times a year.

Article 23

1. The Finance Committee includes one expert of each Member State of the Institute who is appointed, recalled or replaced by the Plenipotentiary.

2. The Finance Committee is guided in its activities by the provisions of the Finance Protocol, establishes its own rules and procedures and submits them to the Committee of Plenipotentiaries for approval.

3. The Finance Committee:

a) controls the financial activity of the Institute, checks the correctness of budget execution by the Director of the Institute,

b) draws conclusions on the draft of the budget presented by the Director of the Institute for a new fiscal year, and on the report on the execution of the budget for the preceding fiscal year,

c) works out recommendations for the Committee of Plenipotentiaries on the improvement of the Institute financial activity as well as gives consultations on any other financial issue.

4. The Finance Committee holds its meetings at least once a year and sends the minutes of its meetings to the Chairman of the Committee of Plenipotentiaries.

CHAPTER V

Directorate of the Institute

Article 24

1. The immediate control over the Institute activity is exercised by the directorate headed by the Director of the Institute. The directorate includes the Vice-Directors, the Directors of the Laboratories, the Administrative Director, the Chief Scientific Secretary and the Chief Engineer.

2. The Director is elected by the Committee of Plenipotentiaries by simple majority of present and voting members for a 5-year term. The Director is elected at regular session of the Committee of Plenipotentiaries and takes his office on the 1st of January of the year following his election.

3. The directorate of the Institute, while representing and protecting the interests of the Institute, is ruled in its activities by the decisions and recommendations of the Committee of Plenipotentiaries, by the acting agreements and obligations, and will not follow the instructions of separate Member States of the Institute.

4. Laboratory directors are elected by the Institute Scientific Council and are appointed to their position by the Director of the Institute.

Article 25

1. The Director is the chief official of the Institute.

2. The Director of the Institute:

a) organizes the work of the Institute in conformity with the goals and tasks envisaged by the Charter and with the plans of the Institute activities approved by the Committee of Plenipotentiaries,

b) organizes the working out of long-term plans of the Institute development and the current plans of its work,

c) guides the formulation of the budget of the Institute and bears responsibility for its execution,

d) represents the Institute in its relations with other states, organizations and institutions and signs agreements on behalf of the Institute including those on the participation of non-member states in separate scientific projects of the Institute as well as corresponding agreements with research institutions, organizations and individual scientists,

e) approves the structure of the Institute according to sub-item "g", item 1, Article 17 of the Charter and approves its tables of staff, defines the system of payment of the Institute personnel,

f) nominates the Vice-Directors, the Administrative Director, the Chief Scientific Secretary and the Chief Engineer of the Institute,

g) submits for approval to the Committee of Plenipotentiaries drafts of documents which in accordance with Art.17 of the present Charter are to be approved by this body,

h) controls the funds of the Institute in accordance with the budget, and the property of the Institute within the established limits,

i) hires and discharges members of the Institute personnel, establishes salaries to the members of the personnel in accordance with the Staff Regulations,

k) approves the Rules of the Staff,

l) reports to the Committee of Plenipotentiaries on the Institute activity and on the activities of the juridical persons established in accordance with Art.31,

m) performs other duties of controlling the Institute basing on the Status of the Director of the Institute, approved by the Committee of Plenipotentiaries.

Article 26

The Vice-Directors of the Institute direct the main scientific directions of the Institute activities. Responsibilities are distributed among the Vice-Directors by the Director of the Institute.

CHAPTER VI

Scientific-Technical Council of the Institute

Article 27

1. The Scientific-Technical Council of the Institute is a consultative body attached to the directorate of the Institute and is called to ensure the participation of the scientific workers of the Institute in organizing its research activities.

2. The order of election, the composition and procedures of the Scientific-Technical Council are defined by the Status of the Scientific-Technical Council, approved by the Director of the Institute.

Article 28

The Scientific-Technical Council is competent to discuss problems related to the scientific activities of the Institute and to present its recommendations on these issues.

CHAPTER VII

Structure of the Institute

Article 29

1. The structure of the Institute is made of scientific, engineer and technical, industrial, administrative, managerial and other auxiliary subunits of the Institute, the activities of which are regulated by special Regulations, approved by the Director of the Institute.

2. The structure of the Institute may develop and get improved on the basis of the accumulated experience of the Institute activities.

Article 30

A scientific team carrying out investigations within the framework of a scientific project approved and accepted for financing is the basic scientific structural unit. The order of creation and operation of a scientific team, the rights and duties of the project leader are specified by the Status approved by the Director of the Institute.

Article 31

On the agreement of the Finance Committee and the Committee of Plenipotentiaries the Institute may be a constitutor or a shareholder of juridical persons for practical application of the research results and for additional financing of its scientific activities.

The established juridical persons possess the legal capacity according to the legislature of their host state.

CHAPTER VIII

Staff of the Institute

All the persons who are on the staff of the Institute are the workers of an international intergovernmental scientific research organization.

Article 33

The personnel of the Institute is staffed with citizens of the Institute Member States and citizens of other states.

Article 34

1. The legal status of the Institute personnel is defined by the present Charter, Staff Regulations, Rules of the Staff as well as by individual labor contracts.

Article 35

The personnel of the Institute may create an Association of the personnel with the aim of defending their rights. The directorate of the Institute will acknowledge the right of this Association to represent the interests of workers who are its members. The interests of trade-union organizations and national groups may be represented in the frame of this Association. The Status of the Association of the personnel should correspond to the goals of the Institute activities and its international character. This correspondence is defined by the Institute Staff Regulations.

Article 36

While performing their duties, all the members of the Institute personnel should respect the laws and customs of the Institute host country.

CHAPTER IX

Closing Provisions

Article 37

1. Disagreements among the Institute Member States on the application or interpretation of the provisions of the Institute Charter in connection with their participation in the Institute activities are solved through consultations of the disagreeing parties.
2. In case there has been found no solution to the disagreement during one month since the start of consultations, any of the parties involved in the consultations may pass the issue over to the reconciliation commission.
3. The order of formation and procedure of the reconciliation commission activities are established in accordance with the rules developed by the Committee of Plenipotentiaries.

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Article 38

Full or partial change of the Charter in future is allowed.

Corresponding suggestions may be introduced by any member of the Institute as well as by the directorate of the Institute. The Chairman of the Committee of Plenipotentiaries sends the submitted suggestions to each member of the Institute. They are included into the agenda of the next session of the Committee of Plenipotentiaries. The amendments are adopted in conformity with sub-item "m", item 1, Art.17 and item 2, Art.20.

Article 39

1. The activities of the Institute are stopped on the consent of its Member States or in case there remain less than three members in the Institute.

2. At the liquidation of the Institute its financial means and the property after settling all the accounts of the Institute and paying all the debts are distributed among all the members of the Institute, including those which left the Institute earlier, in proportion to the sum of the contributions.

Buildings, constructions and other objects of the Institute, which cannot be distributed in their natural shape since they are inseparable from the territory they are occupying, are sold with subsequent distribution of the obtained sums among the members of the Institute.

The host state of the Institute has the right of first refusal for buying this property.

3. The procedure of liquidation of the Institute is defined by the Committee of Plenipotentiaries.

Article 40

1. The present Charter comes into force, with Article 42 of the Charter of the Joint Institute for Nuclear Research of September 23, 1956 taken into account, on the day of its signing by the Plenipotentiaries of the Institute Member States.

The Charter is written in 2 copies in Russian and English, the Russian copy being the original one.

The signed copies of the Charter are deposited at the Institute. Copies of the Charter witnessed by the directorate of the Institute are sent to all the Member States of the Institute.

Article 41

In accordance with Art.102 of the Charter of the United Nations Organization, the present Charter is registered at the UN Secretariat.