

CONVENTION

Convention establishing an International Organisation of Legal Metrology

Convention instituant une Organisation Internationale de Métrologie Légale



ORGANISATION INTERNATIONALE
DE MÉTROLOGIE LÉGALE

INTERNATIONAL ORGANIZATION
OF LEGAL METROLOGY

CONVENTION

ESTABLISHING AN

INTERNATIONAL ORGANISATION

OF

LEGAL METROLOGY

Done at Paris - France, the 12th of October 1955

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(In conformity with the provisions of Article XXXIX)

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The States, parties to the present Convention, wishing to resolve internationally the technical and administrative problems raised by the use of measuring instruments and aware of the importance of co-ordinating their efforts in order to achieve this, have agreed to set up an International Organisation of Legal Metrology defined as follows:

CHAPTER I

PURPOSE OF THE ORGANISATION

ARTICLE I

An International Organisation of Legal Metrology is hereby established. The purpose of this Organisation is:

- 1 to set up a documentation and information centre:
 - on the one hand, on the different national departments concerned with the inspection and checking of measuring instruments subject or liable to be subject to legal regulation;
 - on the other hand, on the aforesaid measuring instruments considered from the point of view of their conception, construction and use;
- 2 to translate and to edit the texts of legal requirements for measuring instruments and their use in force in the different States, with all the interpretations stemming from the constitutional and administrative law of these States which are necessary to the complete understanding of these requirements;
- 3 to determine the general principles of legal metrology;
- 4 to study, with a view to unification of methods and regulations, the problems of legal metrology, of a legislative and regulatory character, the solution of which is of international interest;
- 5 to establish model draft laws and regulations for measuring instruments and their use;
- 6 to draw up a practical organisational draft plan for a model service for the inspection and checking of measuring instruments;
- 7 to determine necessary and adequate characteristics and standards to which measuring instruments must conform in order for them to be approved by Member States and for their use to be recommended internationally;
- 8 to promote closer relations between the departments of Weights and Measures or other departments responsible for legal metrology in each of the Member States of the Organisation.

CHAPTER II

CONSTITUTION OF THE ORGANISATION

ARTICLE II

The States parties to the present Convention shall be Members of the Organisation.

ARTICLE III

The Organisation shall comprise:

- an International Conference on Legal Metrology,
 - an International Committee of Legal Metrology,
 - an International Bureau of Legal Metrology,
- which are dealt with below.

International Conference on Legal Metrology

ARTICLE VI

ARTICLE IV

The purpose of the Conference shall be:

- 1 to study questions concerning the aims of the Organisation and to take all decisions with respect to them;
- 2 to secure the establishment of the directing bodies whose task it is to carry out the work of the Organisation;
- 3 to study and approve reports made on the conclusion of their work by the various legal metrological bodies set up in conformity with the present Convention.

All questions which concern the legislation and administration of a particular State shall be excluded from the competence of the Conference, except at the express request of that State.

ARTICLE V

The States parties to the present Convention shall belong to the Conference as Members, shall be represented thereat as laid down in Article VII and shall be subject to the obligations defined by this Convention.

Apart from Members, the following may take part in the Conference as Corresponding Members:

- 1 States, or territories which cannot or do not yet wish to become parties to the Convention;
- 2 International Unions pursuing an activity connected with that of the Organisation.

Corresponding Members may not be represented at the Conference but may appoint observers to it in a purely consultative capacity. They shall not pay subscriptions as Member States, but they shall bear the cost of providing such services as they may request and the cost of subscriptions to publications of the Organisation.

Member States undertake to provide the Conference with all documentation in their possession which, in their opinion, will enable the Organisation to carry out the tasks entrusted to it.

ARTICLE VII

Member States shall delegate a maximum of three official representatives to meetings of the Conference. As far as possible one of them shall be a serving official in his country, in the Weights and Measures or other department dealing with legal metrology.

Only one of them may vote.

These delegates need not be in possession of "Full Powers" except at the request of the Committee in exceptional cases and for matters clearly defined.

Each State shall bear the costs arising out of its representation at the Conference.

Members of the Committee not appointed by their Governments shall have the right to take part in meetings as advisers.

ARTICLE VIII

The Conference shall decide on Recommendations to be made for common action by Member States in the fields designated in Article I.

Decisions of the Conference may only become effective if the number of Member States present be at least two-thirds of the total number of Member States and if they shall have received a minimum of four-fifths of the votes cast. The number of votes cast shall be at least four-fifths of the number of Member States present.

Abstentions and blank or null votes shall not be considered as votes cast.

Decisions shall immediately be communicated for information, consideration and recommendation to the Member States.

The latter shall be morally obliged to implement these decisions as far as possible.

However, for all votes concerning the organisation, management, administration and rules of procedure of the Conference, the Committee and the Bureau and all analogous matters, an absolute majority shall suffice to give immediate effect to the decision in question, the minimum number of Members present and of votes cast having equal effect. The vote of the Member State whose delegate is in the chair shall be decisive in the event of an equal division of votes.

ARTICLE IX

The Conference shall elect from its Members, for the duration of each of its sessions, a President and two Vice-Presidents to whom is attached the Director of the Bureau, as secretary.

ARTICLE X

The Conference shall meet at least every six years on the summons of the President of the Committee or, should something prevent this, on the summons of the Director of the Bureau, if the latter shall receive a request therefore from at least half the Members of the Committee.

The Conference shall fix, at the end of its work, the place and date of its next meeting, or shall otherwise delegate this responsibility to the Committee.

ARTICLE XI

The official language of the Organisation shall be French.

However, the Conference may provide for the use of one or several other languages for its work and debates.

International Committee of Legal Metrology

ARTICLE XII

The tasks foreseen in Article I shall be undertaken and carried out by an International Committee of Legal Metrology, the working body of the Conference.

ARTICLE XIII

The Committee shall consist of a representative of each of the Member States of the Organisation.

These representatives are designated by their Country's Government.

They shall be serving officials in the department concerned with measuring instruments or have active official functions in the field of legal metrology.

They shall cease to be Members of the Committee as soon as they cease to satisfy the above conditions, and it shall then be incumbent on the Governments concerned to designate their successors.

They shall give the Committee the benefit of their experience, advice and work but shall not commit their Government or their Administration.

Members of the Committee shall take part as of right and as advisers in meetings of the Conference. They may be one of the delegates of their Governments to this Conference.

The President may invite to meetings of the Committee, as an adviser, any person whose attendance appears to him of use.

ARTICLE XIV

Individuals who have taken part in metrological science or industry or former Members of the Committee may, by decision of the Committee, receive the title of Member of Honour. They may take part in meetings as advisers.

ARTICLE XV

The Committee shall select from among its Members a President, and a first and a second Vice-President who shall be elected for a period of six years and shall be eligible for re-election. However, should their mandate expire in the interval between two sessions, it shall automatically be extended until the second of these sessions.

The Director of the Bureau shall be attached to them as Secretary.

The Committee may delegate certain of its duties to its President.

The President shall discharge the tasks delegated to him by the Committee and shall replace the Committee when decisions are urgent. He shall bring these decisions to the knowledge of the Members of the Committee and shall report them without delay.

When questions of common interest to the Committee and connected Organisations are liable to be raised, the President shall represent the Committee before these Organisations.

In the event of the absence, impediment, cessation of mandate, resignation or death of the President, his duties shall be temporarily assumed by the first Vice-President.

ARTICLE XVI

The Committee shall meet every two years at least on the demand of the President or, should anything prevent this, on the summons of the Director of the Bureau, if the latter receive a request for this from at least half the Members of the Committee.

Except for special reasons, normal sessions shall take place in the country where the Bureau has its headquarters.

Meetings for information purposes may however be held in the territory of any of the Member States.

ARTICLE XVII

Committee Members unable to attend a meeting may delegate their vote to one of their colleagues who shall

then be their representative. In such event, a single Member may not have more than two votes in addition to his own.

Decisions shall be valid only if the number of those present and represented be at least three-quarters of the number of persons designated as Members of the Committee and should they be supported by a minimum of four-fifths of the votes cast. The number of votes cast shall be at least four-fifths of the number of those present and represented at the session.

Abstentions, blank and null votes shall not be considered as votes cast.

Between sessions, and in certain special cases, the Committee may consult by correspondence.

Resolutions adopted in this way shall only be valid if all Members of the Committee shall have been called upon to give their opinions and if the resolutions shall have been approved unanimously by all those voting, on condition that the number of votes cast be at least two-thirds of the number of designated Members.

Abstentions, blank and null votes shall not be considered as votes cast. Failure to reply within the time-limit specified by the President shall be considered as an abstention.

ARTICLE XVIII

The Committee shall entrust its special studies, experimental research and laboratory work to the competent departments of the Member States, after having first obtained their formal agreement. If such tasks entail certain expenditure, the agreement shall specify what proportion of such expenditure shall be borne by the Organisation.

The Director of the Bureau shall co-ordinate and assemble this work.

The Committee may entrust certain tasks permanently or temporarily to working parties or to technical or legal experts, acting according to methods which it shall have laid down. Should these tasks entail payment of any remuneration or indemnities, the amounts shall be determined by the Committee.

The Director of the Bureau shall take over the duties of secretariat for these working parties of expert groups.

International Bureau of Legal Metrology

ARTICLE XIX

The operation of the Conference and of the Committee shall be ensured by the International Bureau of Legal Metrology, under the direction and control of the Committee.

The Bureau shall be responsible for preparing Conference and Committee meetings, for establishing liaison between the various Members of these bodies, and for maintaining relations with the Member States or with the Corresponding Members and their departments concerned.

It shall also be responsible for carrying out the studies and work defined under Article I as well as for keeping official records and editing a Bulletin, which shall be sent free of charge to Member States.

It shall constitute the documentation and information centre provided for under Article I.

The Committee and the Bureau shall be responsible for the implementation of decisions of the Conference.

The Bureau shall carry out no experimental research or laboratory work. It may, however, have the use of demonstration rooms suitably equipped for the study of the form of construction and working of certain apparatus.

ARTICLE XX

The Bureau shall have its administrative headquarters in France.

ARTICLE XXI

The personnel of the Bureau shall consist of a Director and assistants appointed by the Committee besides

employees or agents, either permanent or temporary, recruited by the Director.

The personnel of the Bureau and, should the occasion arise, the experts referred to in Article XVIII, shall be salaried. They shall receive salaries or wages, or indemnities the amount of which shall be determined by the Committee.

The statutes of the Director, of the assistants and of the employees or agents, shall be determined by the Committee, in particular as regards conditions of recruitment, work, discipline and pension.

The appointment, discharge or dismissal of the Bureau's agents and employees shall be ordered by the Director, except in so far as regards assistants appointed by the Committee, who may only be subject to such measures by decision of the Committee.

ARTICLE XXII

The Director shall be responsible for the working of the Bureau under the control and the direction of the Committee, to whom he shall be responsible and to whom he will present, at each ordinary session, a report on the conduct of business.

The Director shall collect the revenue, prepare the budget, be responsible for all disbursements in respect of personnel and equipment, and manage the funds.

The Director shall, by right, be secretary of the Conference and of the Committee.

ARTICLE XXIII

The Governments of Member States declare that the Bureau shall be recognised as of public utility, that it shall have legal status and that, generally speaking, it shall benefit from the privileges and facilities commonly granted to intergovernmental bodies under the laws in force in each of the Member States.

CHAPTER III

FINANCIAL PROVISIONS

ARTICLE XXIV

For a financial period equal to the interval between its sessions, the Conference shall decide:

- the overall amount of credits necessary to cover the Organisation's operating expenses;
- the annual amount to be placed in reserve to meet essential emergency expenses, and to ensure the execution of the budget in the event of income proving insufficient.

The credits shall be calculated in gold francs. The parity of the gold franc and the French franc shall be that quoted by the Banque de France.

During the financial period the Committee may call on Member States, if it considers that an increase in credits be necessary in order to meet the obligations of the Organisation, or because of a change in economic conditions.

On the expiry of the financial period, if the Conference shall not have met, or if it shall not have been able to hold a valid debate, the financial period shall be extended until the next valid session. The original credits shall be increased in proportion to the duration of this extension.

During the financial period, within the credit limits granted, the Committee shall determine the amount of its operating expenses pertaining to budget periods equal in duration to the interval between its sessions. It shall also supervise the investment of available funds.

On the expiry of the budget year, should the Committee not have met or not have been able to hold a valid debate, the President and the Director of the Bureau shall decide upon renewal until the next valid session of all or part of the budget for the financial year just ended.

ARTICLE XXV

The Director of the Bureau shall be authorised to undertake and make payments on his own authority in respect of the Organisation's operating expenditure.

But he may not:

- pay extraordinary expenses, or
- draw money from the reserve established for the purpose of assuring the execution of the budget in the event of insufficient receipts,

without first obtaining the consent of the President of the Committee.

Budget surpluses shall remain available for use throughout the entire financial period.

The Director's management of the budget must be submitted to the Committee which will examine it at each of its sessions.

Upon the expiry of the financial period, the Committee shall submit the balance sheet of its management to the Conference.

The Conference shall decide what is to be done with any surplus. The amount of this surplus may either permit a corresponding reduction in the dues of the Member States, or else shall be added to the reserve funds.

ARTICLE XXVI

The Organisation's expenses shall be covered:

1 by annual contributions of the Member States.

The total of contributions for a given financial period shall be determined according to the amount of credits granted by the Conference, taking into account an evaluation of receipts accruing under paragraphs 2 to 5 below.

To determine the respective shares of the Member States, the latter are divided into four categories, according to the total population of the home country and territories represented.

Class 1: population of 10 million inhabitants or less;

Class 2: population between 10 million exclusive and 40 million inclusive;

Class 3: population between 40 million exclusive and 100 million inclusive;

Class 4: population of over 100 million.

The population figures are rounded off to the lower million.

When the use of measuring instruments in any State is clearly below the average the State may apply to be put in a lower class than that assigned to it by its population.

Depending on the class, contributions are proportional to 1, 2, 4 and 8.

The share of a Member State shall be equally distributed over all the years of a financial period in order to determine its annual contribution.

With a view to establishing a margin of safety from the very beginning in order to compensate for any fluctuations in receipts, the Member States agree to make advances on their future annual dues. The exact amount and duration of these advances shall be determined by the Conference.

If, upon the expiry of the financial period, the Conference has not met or has been unable to hold a valid debate, the annual contributions shall be renewed at the same rates until a valid session can be held.

- 2 by proceeds from the sale of publications and proceeds from the provision of services to Corresponding Members;
- 3 by income from the investment of funds;
- 4 by contributions for the current financial period and new Member States' admission fees - by retroactive contributions and entrance fees of Member States readmitted - by arrears of contributions of Member States, resuming payment after having interrupted them;
- 5 by subsidies, subscriptions, donations or legacies and miscellaneous receipts.

To finance special work, extraordinary subsidies may be allotted by certain Member States. They shall not be included in the general budget but shall be placed in special accounts.

Annual contributions shall be calculated in gold francs. They shall be paid in French francs or in any convertible currency. Parity between the gold franc and the French franc shall be that quoted by the Banque de France, the applicable rate being that of the day of deposit.

Contributions shall be paid at the beginning of the year to the Director of the Bureau.

ARTICLE XXVII

The Committee shall prepare a financial code based on the general provisions of Articles XXIV to XXVI above.

ARTICLE XXVIII

A State which shall become a Member of the Organisation during one of the periods indicated under Article XXXVI shall be bound until the expiry of this period and shall be subject, from the time of its accession, to the same obligations as existing Members.

A new Member State shall become joint owner of the property of the Organisation and in view of this fact shall pay an entry fee determined by the Conference.

Its annual subscription shall be calculated as if it had joined on the 1st of January of the year following that of the deposit of its instruments of accession or ratification. Its payment for the current year will be as many twelfths of its subscriptions as there are months remaining to the year. This payment shall not modify the subscriptions laid down for the current year for other Members.

ARTICLE XXIX

All Member States which shall not have paid their subscriptions for three consecutive years shall be officially regarded as having resigned and shall be struck off the list of Member States.

However, the situation of certain Member States who may find themselves in a period of financial difficulty and may not for the moment be able to meet their obligations shall be examined by the Conference which may in certain cases grant them delays or remissions.

Insufficiency of receipts resulting from the elimination of a Member State shall be compensated for by drawing from the reserve funds, constituted as explained in Article XXIV.

Member States voluntarily resigning and Member States officially regarded as having resigned shall lose all rights of joint ownership of the property of the Organisation.

ARTICLE XXX

A Member State which has voluntarily resigned may be readmitted at its own request. It shall then be considered as a new Member State but the entry fee shall only be payable if its resignation had taken place more than five years previously.

A Member State officially regarded as having resigned may be readmitted at its own request, on condition that it settle its unpaid subscriptions due at the time it was struck off. Such retrospective contributions shall be calculated on the basis of the subscriptions for the years prior to its readmission. It shall thereafter be considered a new Member State but the entry fee shall

be calculated taking its previous subscriptions into account, in proportions to be fixed by the Conference.

ARTICLE XXXI

In the event of the dissolution of the Organisation, the assets shall be distributed between all the Member States proportionally to the total of their previous dues subject to any agreement which may be made between those Member States which shall have paid their dues up to the date of dissolution and to the rights contracted or acquired by personnel in active service or retired.

CHAPTER IV

GENERAL PROVISIONS

ARTICLE XXXII

The present Convention shall remain open for signature until December 31, 1955, at the Ministry for Foreign Affairs of the French Republic.

It shall be ratified.

Instruments of ratification shall be deposited with the Government of the French Republic, which shall notify each of the signatory States of the date of their deposit.

ARTICLE XXXIII

States which have not signed the Convention may accede to it upon the expiration of the time limit provided for under Article XXXII.

Instruments of accession shall be deposited with the Government of the French Republic, which shall notify all signatory and acceding Governments of the date of their deposit.

ARTICLE XXXIV

The present Convention shall enter into force thirty days after the deposit of the sixteenth instrument of ratification or accession*.

It shall enter into force for each State which shall ratify it or accede to it after that date, thirty days after the deposit of its instrument of ratification or accession.

The Government of the French Republic shall notify each one of the Contracting Parties of the date of entry into force of the Convention.

* The Convention entered into force on 28th May, 1958.

ARTICLE XXXV

Any State may, at the time of signature, of ratification or at any other time, declare by notification addressed to the Government of the French Republic, that the

present Convention is applicable to all or a part of the territories it represents internationally.

The present Convention shall apply to the territories designated in this notification from the thirtieth day following the date upon which the Government of the French Republic shall have received this notification.

The Government of the French Republic shall transmit this notification to all the other Governments.

ARTICLE XXXVI

The present Convention is concluded for a period of twelve years to be counted from the date it enters into force.

Thereafter, it shall remain in force for successive periods of six years as between those Contracting Parties who shall not have denounced it at least six months before the expiration of the preceding period.

Notice of termination shall be sent in writing to the Government of the French Republic, which shall then advise all Contracting Parties.

ARTICLE XXXVII

The Organisation may be dissolved by decision of the Conference, should the delegates be provided with "Full Powers" to that effect at the time.

ARTICLE XXXVIII

If the number of parties to the present Convention is reduced to less than sixteen, the Conference may

consult the Member States to decide whether there are grounds to consider the Convention to have lapsed.

ARTICLE XXXIX

The Conference may recommend amendments to the present Convention to the Contracting Parties.

Any Contracting Party accepting an amendment shall notify the French Government of its acceptance in writing, and the latter shall notify the other Contracting Parties of the receipt of such notification of acceptance.

An amendment shall enter into force three months after the receipt of notifications of acceptance from all Contracting Parties by the Government of the French Republic. When an amendment has been accepted by all Contracting Parties, the Government of the French Republic shall advise all other Contracting Parties as well as the signatory Governments, informing them of the date of its entry into force.

After an amendment has entered into force, no Government may ratify the present Convention or accede to it, without also accepting this amendment.

ARTICLE XL

The present Convention shall be drawn up in the French language in a single original, which shall be deposited in the archives of the Government of the French Republic, which shall send certified copies to all signatory and acceding Governments.

Done at Paris the 12th of October 1955

(modified in January 1968 by amendment of Article XIII)

