

Convention concerning the Construction and Operation of a European X-Ray Free-Electron Laser Facility

Hamburg, 30 November 2009

Entry into force: 1 December 2018 in accordance with Article 13, paragraph 1:
“This Convention shall enter into force on the first day of the second month after all signatory Governments have notified the Government of the Federal Republic of Germany as depositary of this Convention that the national approval procedure has been completed.”

Provisionally applied from 30 November 2009 to 30 November 2018 in accordance with Article 13, paragraph 3:
“Before the entry into force of this Convention, the Contracting Parties may agree that part or all of the articles set out in this Convention be applied provisionally.”

Source: Federal Law Gazette II 2014, page 2, 3

Last updated: 06 February 2023

Contracting Party	Date of signature	Notification of completion of national approval procedure	Entry into force
Denmark	30.11.2009	17.09.2010	01.12.2018
France	04.02.2010	07.10.2013	01.12.2018
Germany	30.11.2009	21.01.2011	01.12.2018
Greece	30.11.2009	17.10.2018 (withdrawal)	-----
Hungary	30.11.2009	04.05.2010	01.12.2018
Italy	30.11.2009	13.03.2018	01.12.2018
Poland	30.11.2009	18.08.2010	01.12.2018
Russian Federation	30.11.2009	25.03.2010	01.12.2018
Slovakia	30.11.2009	08.04.2014	01.12.2018
Sweden	30.11.2009	17.05.2010	01.12.2018
Switzerland	30.11.2009	24.06.2011	01.12.2018

(All dates are given in the format dd.mm.yyyy.)

Protocol
to the Convention concerning the Construction and Operation
of a European X-Ray Free-Electron Laser Facility
on the Accession of the Government of the Kingdom of Spain

Berlin, 6 October 2011

Entry into force: In accordance with Article 3:
 “This Protocol shall enter into force on the first day of the second month after all signatory Governments have notified the Government of the Federal Republic of Germany as depositary of the Convention that the national approval procedure for this Protocol has been completed.”

Not yet in force

Source: Federal Law Gazette II 2014, page 38, 39

Last updated: 06 February 2023

Contracting Party	Date of signature	Notification of completion of national approval procedure	Entry into force
Denmark	06.10.2011	15.03.2022	
France	06.10.2011	20.06.2012	
Germany	06.10.2011	18.05.2018	
Greece	06.10.2011	17.10.2018 (withdrawal)	-----
Hungary	06.10.2011	05.01.2021	
Italy	06.10.2011	13.03.2018	
Poland	06.10.2011	30.04.2018	
Russian Federation	06.10.2011		
Slovakia	06.10.2011	12.01.2012	
Spain ¹	06.10.2011	02.11.2022	
Sweden	06.10.2011	27.11.2020	
Switzerland	06.10.2011	07.06.2012	

(All dates are given in the format dd.mm.yyyy.)

¹ **The Kingdom of Spain** on the occasion of the deposit of the notification of the completion of the national approval procedures, declared the following:

(Translation, Original Spanish)

“Spain, as a participant State, stands ready to contribute to the construction and operation of the European XFEL Facility. However, the obligations that Spain will undertake upon signing the European XFEL Convention are as follows:

1. Two years after the beginning of the operation phase, Spain will review its active participation in this phase and will have the option of withdrawing without incurring any kind of penalty, provided that it gives one year’s notice.
2. In the event of a positive review, Spain may extend its participation for an additional three-year period, without prejudice to the applicable review cycle, and maintain its participation throughout the entire process.
3. In the event that it decides to continue to participate in the process after the first review, Spain will fully assume its responsibility regarding the dismantling of the facility, pursuant to the Convention. In the event that Spain, on the basis of its first review, decides to withdraw, it would only accept 50% of its responsibility for the dismantling of the facility, pursuant to the Convention.”

Protocol
to the Convention concerning the Construction and Operation
of a European X-Ray Free-Electron Laser Facility
on the Accession
of the Government of the United Kingdom of Great Britain and Northern Ireland

Berlin, 19 March 2018

Entry into force: In accordance with Article 3:
 “This Protocol shall enter into force on the first day of the second month after all Governments stated in the preamble to this Protocol have notified the Government of the Federal Republic of Germany as depositary of the Convention that the national approval procedure for this Protocol has been completed.”

Not yet in force

Provisionally applied from 19 March 2018 in accordance with Article 3:

“The Governments stated in the preamble to this Protocol agree that from 19 March 2018 onwards the clauses of the Protocol be applied provisionally, it being understood that the entry into force of the Protocol is subject to the fulfilment of appropriate constitutional procedures in each of the Contracting and Signatory States and the entry into force of the Convention of 30 November 2009 concerning the Construction and Operation of a European X-Ray Free-Electron Laser Facility.”

Source: Federal Law Gazette II 2019, page 94, 95

Last updated: 06 February 2023

Contracting Party	Date of signature	Notification of completion of national approval procedure	Entry into force
Denmark	19.03.2018	18.10.2019	
France	19.03.2018	12.06.2020	
Germany	19.03.2018	24.06.2019	
Greece	19.03.2018	17.10.2018 (withdrawal)	-----
Hungary	19.03.2018	05.01.2021	
Italy	19.03.2018	21.07.2022	
Poland	19.03.2018	03.12.2019	
Russian Federation	25.10.2018		
Slovakia	27.04.2018	05.02.2019	
Sweden	19.03.2018	27.11.2020	
Switzerland	19.03.2018	17.05.2019	
United Kingdom ²	19.03.2018	18.06.2021	

(All dates are given in the format dd.mm.yyyy.)

² **The United Kingdom of Great Britain and Northern Ireland** on the occasion of the deposit of the notification of the completion of the national approval procedures, declared the following:

“The United Kingdom of Great Britain and Northern Ireland is willing to contribute as a participating state to the establishment and utilisation of the European XFEL Facility. Nevertheless, the United Kingdom of Great Britain and Northern Ireland’s obligations on signing the Protocol to the Convention concerning the Construction and Operation of a European X-Ray Free- Electron Laser Facility on the Accession of the Government of the United Kingdom of Great Britain and Northern Ireland shall be as follows:

1. This Declaration shall replace any previous Declaration of the United Kingdom of Great Britain and Northern Ireland (the 'UK').
2. Article 24 on Confidentiality in the Articles of Association (Annex to the Convention) should be interpreted as follows in order to meet the requirements of the UK's Freedom of Information Act 2000: the UK's shareholder in European XFEL GmbH will not be in breach of Article 24 in circumstances where (i) it is compelled to disclose confidential information in response to a relevant request under the Freedom of Information Act 2000, (ii) following consultation with the European XFEL GmbH, none of the exceptions to that Act can be applied to the requested confidential information and (iii) refusal to disclose the information requested would result in a breach of the Freedom of Information Act 2000 by the UK authority serving as the UK's shareholder.
3. In the event of a conflict of terms of the various documentation relating to the UK's participation in XFEL, the following order of precedence shall apply: 1. This Declaration, 2. Protocol to the Convention concerning the Construction and Operation of a European X-Ray Free-Electron Laser Facility on the Accession of the Government of the United Kingdom of Great Britain and Northern Ireland, 3. The Convention, 4. The Articles of Association of the European XFEL GmbH.”