

# RULES GOVERNING THE DISTRIBUTION AND DISSEMINATION OF ECMWF REAL-TIME PRODUCTS

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*Adopted by the Council of ECMWF at its 41st session (December 1994)  
(ECMWF/C/41/M(94)2 para. 31 and Annex 3)  
Amended according to the Council decisions listed at the end of the document*

## **Preamble**

### **Noting:**

WMO guidelines with respect to the exchange of meteorological and related data and Products;

### **considering:**

the need to develop an orderly commercial distribution of meteorological forecast Products of the European Centre for Medium-Range Weather Forecasts which takes into account in a balanced way the interests of the meteorological community;

### **taking into account:**

the development of laws and administrative rules within the European Economic Area, which are designed to deter anti-competitive behaviours and to encourage the open dissemination of data by public sector bodies;

### **emphasising:**

that the NMSs of Member States and Co-operating States will make available data and Products intended for commercial use to any interested third party on non-discriminatory terms regardless of the applicability of the rules set out below;

**the ECMWF Council adopts the following Rules.**

## **Definitions:**

For the purpose of these Rules, the following terms are defined but can at all times be modified by the ECMWF Council:

**“Additional” Products:** Products which are declared “Additional” in the meaning of WMO Resolution 40 (Cg-XII) as agreed by ECMWF Council.

**Broadcast/Broadcasting:** The Dissemination of Value Added Services by means that are publicly accessible including, but not limited to, Internet, terrestrial, or satellite transmissions.

**Broadcaster/Publisher:** Those users who use Products from the ECMWF Catalogue or Value Added Services in order to provide a service by means of Broadcasting or publishing in any form.

**Co-operating State:** A State with which a co-operation agreement providing for access to ECMWF data and Products has been concluded. See also “Type 1 Co-operating State” and “Type 2 Co-operating State”.

**Deliverer:** The party, either an NMS or ECMWF, which provides the service of delivering an item from the ECMWF Catalogue to a third party.

**Dissemination:** Supply via public media e.g. Broadcasting.

**Distribution:** Controlled transmission **or supply** to clearly identified and known users.

**ECMWF Catalogue:** The list of Products for Distribution or Dissemination by NMSs of ECMWF Member States and Co-operating States and ECMWF.

**ECMWF Territory:** The geographical area covered by the activities of the Member States and Type 1 Co-operating States and composed of their National Territories, and at least the geographical area covered by the European Economic Area.

**Educational Use:** Any use of Products from the ECMWF Catalogue solely for educational non-commercial purposes, without transmission or redistribution of the Products to any third party, or use of them to generate Value Added Services.

**End User:** Those users who use Products from the ECMWF Catalogue or Value Added Services for their own commercial or industrial purposes and do not pass them on to any third party or use them to generate Value Added Services.

**“Essential” Products:** Products which are declared “Essential” in the meaning of WMO Resolution 40 (Cg-XII) as agreed by ECMWF Council.

**EUROSIP Products:** True multi-models products developed by ECMWF in the course of the EUROSIP Project.

**Force Majeure:** Circumstances outside the control of a Member State or Co-operating State or ECMWF which could not have been foreseen at the time of entering into the obligation as a party to a Licence and which could not have been avoided or overcome.

**Licence:** The conditions under which NMSs of the Member States or Co-operating States or ECMWF transfer an item of the ECMWF Catalogue to a third party.

**Licensor:** The party, either an NMS of a Member State or Co-operating State or ECMWF, which negotiates the contract and concludes and maintains the Licence agreement.

**Maximum Charge Customer:** The licensee who pays the maximum information charge, i.e. the cap set by the ECMWF Council to the information charge.

**Member States:** The States which are parties to the Convention for the Establishment of a European Centre for Medium-Range Weather Forecasts.

**National Meteorological Service (NMS) / National Meteorological and Hydrological Service (NMHS):** Service responsible at the national level, in conformity with its legal status, for the gathering, classification and production of meteorological information in the national interest, and responsible at the international level for participating in WMO programmes.

**National Territory:** The national territory of a State, including its internal waters, its archipelagic waters, its territorial sea and its exclusive economic zone, as defined in the United Nations Convention on the Law of the Sea (UNCLOS) signed in Montego Bay on 10 December 1982 and having entered into force on 16 November 1994.

**NMHS Non-Commercial Licence:** The reduced Maximum Charge Customer Licence for NMHSs of non-Member States using Products for non-commercial purposes such as the protection of life and property, research activities and educational use.

**Non-retrievable Value Added Services:** Any VAS from which the original Products cannot be retrieved or reverse engineered without significant technical effort and/or expense.

**Official Duty:** All activities which take place within the organisation of an NMS, and external activities of the NMS resulting from legal, governmental and inter-governmental requirements relating to defence, civil aviation and the safety of life and property.

**Products:** All real-time meteorological information in the form of pictures, charts, text or data files resulting from the transformation or processing of data sets by the ECMWF forecasting system.

**Personal Use:** any use of Products from the ECMWF Catalogue solely for personal non-commercial purposes, without transmission or redistribution of these Products to any third party, or use of them to generate Value Added Services.

**Research Project:** Any project organised for non-commercial research purposes only. A necessary condition for the recognition of non-commercial purposes is that all the results obtained are openly available at delivery costs only, without any delay linked to commercial objectives, and that the research itself is submitted for open publication.

**Retrievable Value Added Services:** Any VAS from which the original Products can be retrieved or reverse engineered without significant technical effort and/or expense.

**Revenue:** The income resulting from the licensing of Products included in the ECMWF Catalogue, exclusive of all Value Added Taxes and exclusive of handling and delivery costs.

**Service Provider:** Those users who acquire Products from the ECMWF Catalogue in order to supply Value Added Services under specific Licence conditions to a third party clearly identified and known to the Service Provider.

**Standard Licence Agreement:** The standard terms and conditions pursuant to which items in the ECMWF Catalogue may be licensed. See also “Licence”.

**Licence Reporting Form:** The current version of the standard form, available on the ECMWF website, which an NMS shall use to notify ECMWF of any Licence granted.

**Type 1 Co-operating State:** A State that has concluded a co-operation agreement that enables accession to the ECMWF Convention.

**Type 2 Co-operating State:** A State that has concluded a co-operation agreement for scientific and technical co-operation.

**Value Added Services (VAS):** all meteorological services which are:

- derived from one or more Products; and
- specifically conceived for the needs of users; and
- made available under specific licence conditions.

**View Service:** A web-based service to provide a visual representation of geographic and thematic information by creating an image of these data using portrayal rules, and making it possible, as a minimum, for a client application, to display, navigate, zoom in/out, pan or overlay viewable spatial datasets and display legend information and any relevant content of metadata.

**Without charge:** At no more than the cost of reproduction and delivery, (including the cost of distribution media, documentation, transmission and direct labour cost), without charge for the Products themselves.

## **Ownership of ECMWF Products**

1. ECMWF owns the copyright of Products. Council grants access to Products to the Member States in accordance Article 15 of the Convention and to the Co-operating States in accordance with the terms of the relevant co-operation agreement.
2. ECMWF owns the copyright of Optional Programme Products. Council grants access to Optional Programme Products to the Member States and Co-operating States participating in the programme.
3. ECMWF owns the copyright of EUROSIP Products.
4. The Intellectual Property Rights to Value Added Services are owned by the Service Provider generating the Value Added Service.
5. Council requires that practical and transparent methods are used by all NMSs for categorising Value Added Services. The ACDP will report to Council about the methods used by NMSs and their implementation.

## **Principles of Distribution and Dissemination of Products**

6. In their activities involving Products, NMSs of the Member States and Co-operating States and ECMWF shall make all reasonable endeavours to make sure that the Rules agreed by the Council are followed.
7. If Products are distributed by NMSs of the Member States or Co-operating States, the distributing NMS and not ECMWF shall be responsible for any consequences that might ensue from the action of the licensee, including issues arising through WMO procedures from their Distribution or Dissemination in States other than ECMWF Member States and Co-operating States.
8. NMSs of the Member States and Co-operating States shall notify ECMWF of all Licences relating to ECMWF Catalogue items, following the procedures set by ECMWF.
9. ECMWF shall produce a yearly report on the Distribution and Dissemination of Products to and by Member States and Co-operating States. This report, to be compiled from the contributions from the NMSs, shall cover all the categories of activities carried out with the support of Products, including both commercial and non-commercial aspects, excluding the activities carried out for Official Duty. The contributions of NMSs shall contain sufficient information to allow the Council to assess the application of these Rules.

## **Distribution of Products by ECMWF to NMHSs of WMO Member States, international organisations, satellite data providers and Research Projects**

10. “Essential” and “Additional” Products are made available to all NMHSs via the WMO GTS and the ECMWF Website.
11. ECMWF may provide its Products to support Research Projects where the lead organisation is located:
  - i) outside the ECMWF Territory;
  - ii) within the National Territory of a Member or Co-operating State provided that the said Member or Co-operating State has delegated to ECMWF its right to grant Licences.Such occurrences must be reported to Council.
12. ECMWF may supply its Products not available on the GTS to NMHSs of WMO Member States via the NMHS Non-Commercial Licence, or with the agreement of Council, or through co-operation agreements, or in exceptional circumstances for limited periods. The latter occurrences must be reported to Council.
13. ECMWF may supply its Products to international organisations with the agreement of the Council or, for a limited period, at the discretion of the Director-General of ECMWF and where practicable with the collaboration of the NMHS(s) of the State(s) involved, provided Council is informed subsequently. This should be done at a charge to cover handling and delivery costs or on an exchange basis (unless otherwise provided for e.g. via co-operation agreements). As a condition of the supply, international organisations should agree not to pass these Products to third parties unless agreed by Council.
14. ECMWF may give access to EUMETSAT to all ECMWF real-time data, Products and services solely for EUMETSAT’s own use in support of its mission as defined in the EUMETSAT Convention.
15. ECMWF may give satellite data providers access to all ECMWF real-time data, Products and services solely for their own use in support of satellite data processing and development of associated algorithms, in exchange for observations for use in ECMWF’s forecasting system. Such occurrences must be reported to Council. Redistribution of ECMWF data by the satellite data providers is not permitted.

## **Distribution or Dissemination of Products by NMSs of the Member States and Co-operating States for Official Duty, to Research Projects and to NMHSs of WMO Member States**

16. NMSs of the Member States and of Co-operating States are free to use all Products in carrying out their Official Duties, including Distribution or Dissemination via View Services. Where appropriate, the right to use for Official Duties is also granted through the NMS to other government bodies in these States, but all conditions defined in these Rules remain attached to their use.
17. NMSs of the Member States and Co-operating States may Distribute Products to Research Projects within or outside of the ECMWF Territory.
18. NMSs of the Member States may supply Products not available on the GTS to NMHSs of WMO Member States with the agreement of Council or in exceptional circumstances for limited periods in agreement with ECMWF. The latter occurrence must be reported to Council.

## **Distribution or Dissemination of Value Added Services by NMSs of the Member States and Co-operating States**

19. NMSs of the Member States and Type 1 Co-operating States shall in their commercial activities have the right to supply their Value Added Services to users within and outside their National Territories.
20. NMSs of Type 2 Co-operating States shall in their commercial activities have the right to supply their Retrievable Value Added Services only to users within their National Territories. They shall have the right to supply their Non-retrievable Value Added Services to users within and outside their National Territories.
21. NMSs of the Member States and Co-operating States shall in their commercial activities be free to establish the prices of their Value Added Services.

## **Distribution of Products from the ECMWF Catalogue by ECMWF and the NMSs of Member and Co-operating States to End Users, Service Providers, Broadcasters/Publishers and NMHSs of WMO Member States**

22. A selection of Products is listed in the ECMWF Catalogue which is organised by product sets. The content of the ECMWF Catalogue is determined by Council. The Director-General may add fields to existing product sets, provided that such additions are endorsed by the ACDP beforehand and do not require adjustments to the method for calculating the tariffs as defined in clause 31.
23. Optional Programme Products can be made available through the ECMWF Catalogue. The Council shall decide on the Optional Programme Products to be included in the ECMWF Catalogue.
24. For all items included in the ECMWF Catalogue, ECMWF, NMSs of the Member States and Co-operating States can grant Licences to End Users, Service Providers and Broadcasters/Publishers in the name of and on behalf of ECMWF in accordance with the terms laid down in the Standard Licence Agreement and subject to any conditions set by ECMWF. All obligations assumed by a Member State or Co-operating State or ECMWF under a licensing operation are subject to a Force Majeure.
25. NMSs of the Member States and Type 1 Co-operating States may grant Licences to End Users, Service Providers and Broadcasters/Publishers located within or outside of the ECMWF Territory.
26. NMSs of Type 2 Co-operating States may grant Licences only to End Users, Service Providers and Broadcasters/Publishers located within their National Territory.
27. The NMS of a Member State or Co-operating State may:
  - iii) delegate its right to grant Licences to ECMWF;
  - iv) on a case-by-case basis, delegate the provision of Products with the understanding that the Licensing remains with that NMS.

28. ECMWF may grant Licences to End Users, Service Providers and Broadcasters/Publishers located:
- i) outside the ECMWF Territory;
  - ii) within the National Territory of a Member or Co-operating State provided that the said Member or Co-operating State has delegated to ECMWF its right to grant Licences.
29. Any rules and procedures applied to Distributions by ECMWF are also applied to Licences delegated to ECMWF.
30. NMHS Non-Commercial Licences are granted by ECMWF only.
31. Tariffs
- i) The tariff for all Products is determined by the ECMWF Council. This tariff includes a portion of the costs incurred by the Member States and Co-operating States and ECMWF for financing their meteorological infrastructure.
  - ii) The tariff of Products must comprise the handling costs of the Licensor and the Deliverer at a rate which implies no state subsidy, and the tariff for the ECMWF Licence, which is fixed according to the following rules.
  - iii) The tariff applied shall be commensurate with the type, the frequency and the geographical coverage of the Products that are the subject of the Licence.
32. Financial Matters
- i) ECMWF shall renounce any financial claim on Value Added Services based on Products.
  - ii) Handling charges will be retained respectively by Licensor and Deliverer.
  - iii) With the exception of EUROSIP Products, revenue to be shared from Licences will be shared according to the following allocations:

Licensor 25%	ECMWF 75%
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  - iv) Revenues from the sale of EUROSIP Products will be shared between the EUROSIP Partners on the following basis: one third to ECMWF, two thirds to be shared equally between all EUROSIP Partners whose forecasts are used operationally by the EUROSIP system. There will be no revenue sharing for the use of EUROSIP Products by Maximum Charge Customers.
  - v) All ECMWF revenue shall be treated in accordance with the ECMWF Financial Regulations.
  - vi) Activities relating to the contract between core and commercial activities of NMSs do not give rise to financial obligations vis-à-vis ECMWF or any of its Member States or Co-operating States, apart from handling charges for services delivered by ECMWF.

***This document has been amended according to the following Council decisions:***

- 52<sup>nd</sup> Council session, June 2000, document ECMWF/C/52/M(00)1, paragraph 57
- 53<sup>rd</sup> Council session, December 2000, document ECMWF/C/53/M(00)2, paragraph 219
- 54<sup>th</sup> Council session, June 2001, document ECMWF/C/54/M(01)1, paragraphs 54 and 66



- 57<sup>th</sup> Council session, December 2002, document ECMWF/C/57/M(02)1, paragraphs 54 and 218
- 61<sup>st</sup> Council session, December 2004, document ECMWF/C/61/D(04)2, paragraphs 18, 33, 34 and 36
- 63<sup>rd</sup> Council session, June 2005, document ECMWF/C/63/M(05)2, paragraph 8 and document ECMWF/C/63/D(05)2, paragraph 29
- 66<sup>th</sup> Council session, December 2006, document ECMWF/C/66(06)D, paragraphs 35-36
- 67<sup>th</sup> Council session, June 2007, document ECMWF/C/67(07)D, paragraph 7
- 71<sup>st</sup> Council session, June 2009, document ECMWF/C/71(09)D, paragraphs 34 and 35
- 73<sup>rd</sup> Council session, June 2010, document ECMWF/C/73(10)D Corr.1, paragraphs 36, 37 and 42
- 74<sup>th</sup> Council session, December 2010, document ECMWF/C/74(10)D Corr.2, paragraph 36
- 75<sup>th</sup> Council session, June 2011, document ECMWF/C/75(11)D Corr.2, paragraph 30
- 77<sup>th</sup> Council session, June 2012, document ECMWF/C/77(12)D Rev.1, paragraph 31
- 82<sup>nd</sup> Council session, July 2014, document ECMWF/C/82(14)D, paragraph 20
- 84<sup>th</sup> Council session, December 2014, document ECMWF/C/84(14)D, paragraph 22
- 85<sup>th</sup> Council session, June 2015, document ECMWF/C/85(15)D, paragraph 16
- 88<sup>th</sup> Council session, December 2016, document ECMWF/C/88(16)D, paragraph 23
- 90<sup>th</sup> Council session, June 2017, document ECMWF/C/90(17)D, paragraph 12