

RULES GOVERNING THE DISTRIBUTION OF ECMWF ARCHIVED DATA AND PRODUCTS AND SOFTWARE

*Adopted by the Council of ECMWF at its 51st session (December 1995)
(ECMWF/C/51/M(01)1 para. 124 and Annex 3)*

Amended according to the Council decisions listed at the end of the Rules

Background

1. Article 2(2) of the Convention states:

“2. The objectives of the Centre shall be:

- a) to develop, and operate on a regular basis, global models and data-assimilation systems for the dynamics, thermodynamics and composition of the Earth's fluid envelope and interacting parts of the Earth-system, with a view to:
 - i. preparing forecasts by means of numerical methods;
 - ii. providing initial conditions for the forecasts; and
 - iii. contributing to monitoring the relevant parts of the Earth-system;
- b) to carry out scientific and technical research directed towards improving the quality of these forecasts;
- c) to collect and store appropriate data;
- d) to make available to the Member States, in the most appropriate form, the results provided for in (a) and (b) and the data referred to in (c);
- e) to make available to the Member States for their research, priority being given to the field of numerical weather forecasting, a sufficient proportion of its computing capacity, such proportion being determined by the Council;
- f) to assist in implementing programmes of the World Meteorological Organization;
- g) to assist in advanced training for the scientific staff of the Member States in the field of numerical weather forecasting.”

2. The data and products archived by the Centre since its creation constitute an asset of great and unique value for many users including research, education and commercial use.

3. The exchange of data and products within the meteorological community is now governed by WMO Resolution 40 adopted at the twelfth World Meteorological Congress in June 1995.
4. The single market in the European Economic Area has created specific constraints which have been taken into account in the rules adopted within ECOMET after discussion with the European Commission;
5. There is a need for harmonisation with other European meteorological organisations, particularly EUMETSAT.
6. There is a need to preserve the benefits of membership of ECMWF, including benefits to Co-operating States.
7. Rights concerning databases are now ruled by the European database directive (96/9/CE, dated 11 March 1996).
8. In line with the Oslo Declaration, European NMHSs have adopted a policy of facilitating direct access to basic meteorological data and products on a non-discriminatory basis, under well documented licensing conditions, in compliance with relevant international and national regulations and with WMO resolutions.
9. ECMWF has already adopted Rules governing the distribution and dissemination of ECMWF real-time products, which include a set of definitions.
10. These Rules governing the distribution of ECMWF archived Data and Products and Software use the definitions already adopted by Council for the distribution and dissemination of real-time products.

Principles

11. Member States' NMSs, and all other organisations designated by and within the Member States, shall have free and non-exclusive access to or licences for the Centre's products, databases and software in accordance with Article 15 of the Convention.
12. Council may grant non-exclusive access or licences to NMSs, and all other organisations designated by and within the Co-operating States, in accordance with their co-operation agreements.
13. Rules 11 and 12 apply to Optional Programmes, non-exclusive licences being limited to NMSs, and all other organisations designated by and within the Member States and Co-operating States participating in the Programme.
14. ECMWF holds full ownership and all intellectual property and intellectual rights to data, products, databases and software that it has produced.
15. Archived data, products and databases available for distribution are listed in Catalogues.

16. The contents of the Catalogue of archived data, products and databases is determined by the Director-General, subject to prior endorsement by the ACDP.
17. ECMWF may grant access to the Centre's archived data, products and databases listed in the Centre's Catalogues.
18. The Director-General may allow, on a case-by-case basis, for research and education, the cross border re-distribution of archived data to registered users.
19. Member States and Co-operating States are responsible for ensuring that regarding their commercial activities, NMSs of Member States and Co-operating States be treated in an equivalent way to Service Providers.
20. Handling charges are determined by the Deliverer.
21. The Director-General is responsible for ensuring that data, products and databases listed in the Catalogues are available.
22. Organisations providing ECMWF with equivalent data, products or software may receive archived data, products or software on an exchange basis, as decided by the Director-General.
23. EUMETSAT will have access without charge to all data, products and software for its own use in support of its mission as defined in the EUMETSAT Convention.
24. The Director-General will report to Council yearly on the distribution of archived data and products and will propose updates to the Catalogues and tariffs as required.

Implementation rules for archived data and products

25. Member States' and Co-operating States' NMSs may provide access to the Centre's archived data and products or may delegate this to the Centre.
26. The free access for Member States and Co-operating States will be provided through dedicated systems (e.g. MARS). Other provision will be delivered with handling charges (e.g. through Data Services).
27. Any provision will be accompanied by a statement, acknowledged by the customer prior to delivery, describing the validity of such data and stating the use authorised (e.g. no redistribution, specific limitations etc.).
28. Access will be provided without information charge, at handling charges only.
29. ECMWF handling charges are determined by the Director-General. They include:
 - Delivery costs
 - Transmission and/or media costs
 - Direct labour costs
 - Direct computing costs (accessing, processing, extracting)

- Documentation

30. In order to meet the needs of research and education, the Centre may also prepare data sets targeted towards a specific research community, such as oceanographic or land-surface scientists.

Rules for specific projects

Implementation rules for software

31. The Director-General is responsible for granting licences for software.
32. In accordance with Article 15 of the Convention, a free non-exclusive licence shall be given by the Centre to all national organisations designated by Member States and Co-operating States where provided for by the co-operation agreements.

Financial matters

33. All income and expenditure arising from the implementation of these rules shall be treated in accordance with the ECMWF Financial Regulations.
34. The handling charges will be retained by the parties involved in the delivery.

Replacement of earlier rules

35. These Rules replace the earlier “Rules governing the distribution of results from the Centre’s work” adopted by Council at its 12th session (ECMWF/C/12/D(80)2 Annex 1 Rev. 1), which are therefore abolished.

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

- 54th session (June 2001) (ECMWF/C/54/M(01)1 para. 175)
- 56th session (June 2002) (ECMWF/C/56/M(02)1 Rev. 1 para. 80)
- 61st session (December 2004) (ECMWF/C/61/M(04)2 para. 145)
- 63rd session (June 2005) (ECMWF/C/63/M(05)2 para. 161)
- 65th session (July 2006) (ECMWF/C/65(06)M para. 155)
- 66th session (December 2006) (ECMWF/C/66(06)D para. 35)
- 67th session (June 2007) (ECMWF/C/67(07)D para. 10)
- 73rd session (June 2010) (ECMWF/C/73(10)D Corr.1 para. 36)
- 73rd session (June 2010) (ECMWF/C/73(10)D Corr.1 para. 40)
- 75th session (June 2011) (ECMWF/C/75(11)D Corr.2 para. 33)
- 82nd session (July 2014) (ECMWF/C/82(14)D para. 20)
- 100th session (June 2021) (ECMWF/C/100(21)D, paras. 3 and 30)