

FOURTH AMENDMENT
TO THE
AGREEMENT CONCERNING THE CONSTRUCTION AND OPERATION OF AN 8 METER
TELESCOPE ON MAUNA KEA, HAWAII, AND AN 8 METER TELESCOPE ON CERRO
PACHÓN, CHILE, TO BE KNOWN AS THE GEMINI FACILITIES

This Amendment is entered into between the National Science Foundation of the United States of America (hereinafter referred to as NSF), the Science and Technology Facilities Council of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as STFC), the National Research Council of Canada (hereinafter referred to as NRC), the Comisión Nacional de Investigación Científica y Tecnológica of Chile (hereinafter referred to as CONICYT), the Ministerio de Ciencia, Tecnología e Innovación Productiva of Argentina (hereinafter referred to as MCTIP), the Ministério da Ciência e Tecnologia e Inovação of Brazil (hereinafter referred to as MCTI), and the Australian Research Council (hereinafter referred to as ARC).

WHEREAS, NSF, STFC, and NRC entered into an Agreement concerning the construction and operation of an 8 meter telescope on Mauna Kea, Hawaii and an 8 meter telescope on Cerro Pachón, Chile to be known as the Gemini Facilities (hereinafter known as “the Agreement”) which became effective on 28 October 1993;

WHEREAS the Agreement was subsequently amended for various purposes including the addition of CONICYT, MCTIP, MCTI, and ARC as Parties to the Agreement;

WHEREAS, the STFC has replaced the Particle Physics and Astronomy Research Council (PPARC) as the appropriate appellation of the agency of the United Kingdom of Great Britain and Northern Ireland responsible for the Gemini Project;

WHEREAS, the MCTIP has replaced the Consejo Nacional de Investigaciones Cientificas y Tecnicas (CONICET) as the appropriate appellation of the agency of Argentina responsible for the Gemini Project;

WHEREAS, the MCTI has replaced the Ministério da Ciência e Tecnologia (MCT) as the appropriate appellation of the agency of Brazil responsible for the Gemini Project;

WHEREAS, the Gemini Board has executed an Assessment Point in accordance with Article 4.2 of the International Gemini Agreement.

WHEREAS, the United Kingdom has stated its intention to withdraw from the partnership after 31 December 2012. In accordance with Article 4.4, they do so without penalty.

WHEREAS, in accordance with Article 4.2 of the Gemini Agreement, the representatives of the Parties agree to extend the Agreement until 31 December 2015.

WHEREAS, in accordance with Article 4.5 of the Gemini Agreement, the remaining Parties take full responsibility for the assets and liabilities of Gemini and agree to the proportions in which those assets, and the costs of operating the Gemini Telescopes, shall be apportioned between them.

THEREFORE, it is agreed as follows:

1. Wherever “Particle Physics and Astronomy Research Council of the United Kingdom of Great Britain and Northern Ireland,” appears in the Gemini Agreement, it shall be replaced by “Science and Technology Facilities Council of the United Kingdom of Great Britain and Northern Ireland,” and wherever “PPARC” appears, it shall be replaced by “STFC.”

2. Wherever “Consejo Nacional de Investigaciones Cientificas y Tecnicas of Argentina” appears in the Gemini Agreement, it shall be replaced by “Ministerio de Ciencia, Tecnología e Innovación Productiva of Argentina,” and wherever “CONICET” appears, it shall be replaced by “MCTIP”.

3. Wherever “Ministério da Ciência e Tecnologia of Brasil” appears in the Gemini Agreement, it shall be replaced by “Ministério da Ciência, Tecnologia e Inovação of Brasil” and wherever “MCT” appears, it shall be replaced by “MCTI.”

4. The Parties except the STFC agree to continue their participation in Gemini beyond December 31, 2012. The Parties agree to extend the Gemini Agreement until 31 December 2015.

6. Article 9.2 of the Gemini Agreement is amended for the period 2013-2015 to read as follows:

The Board shall be composed of:

- 6 members appointed by NSF
- 2 members appointed by NRC
- 1 member appointed by University of Hawaii
- 1 member appointed by ARC
- 1 member appointed by CONICYT
- 1 member appointed by MCTIP
- 1 member appointed by MCTI

6. Article 9.4 of the Gemini Agreement is amended for the period 2013-2015 to read as follows:

The Chair is elected by the Board. The Chair is appointed for a two year term, with the Chair alternating between a US nominee and a Member nominated by the other Parties.

7. Article 15.2 of the Gemini Agreement is amended for the period 2013-2015 to read as follows:

The Parties shall contribute towards the Gemini Observatory budget as approved annually by the Board for Operations for the period 2013-2015. Indicative percentages of the total budget follow. Individual Parties’ fractional contributions may vary from year to year.

NSF	65.50%
STFC	0.00%
NRC	18.65%
ARC	6.21%
MCTIP	3.11%
MCTI	6.53%
CONICYT	0.00%

8. Article 19.1 of the Gemini Agreement, describing the allocation of observing time for the period of 2013-2015, to read as follows:

The allocation of observing time on the Gemini Telescopes shall be calculated on an annual basis. The University of Hawaii will receive 10% of the available observing time on Gemini North. Chile shall be guaranteed 10 % of the observing time on the Gemini South telescope. The remaining observing time will be divided among the remaining parties equitably according to the seasons of the year, and the sky illumination by Moon and Sun in proportion to the Parties' individual total contribution (referred in Article 19.1 of the Agreement as established in the Third Amendment) to the annual budget approved by the Board. Such contributions will include funds for Operations as well as funds for new instrumentation.

9. Save as modified by this Fourth Amendment, all Articles and Annexes of the Gemini Agreement and of Amendments 1, 2, and 3 remain in effect and are unchanged by this Fourth Amendment.

10. This Fourth Amendment will become effective 1 January 2013.

Signed this 26 day of July 2011 on behalf of the **U.S. National Science Foundation** by


Subra Suresh
(signature)
Subra Suresh, Director
(printed name and title)

Signed this 17 day of AUGUST 2011 on behalf of the **Science and Technology Facilities Council of the United Kingdom of Great Britain and Northern Ireland** by

John Womersley
(signature)
JOHN WOMERSLEY
(printed name and title)
DIRECTOR, SCIENCE PROGRAMMES



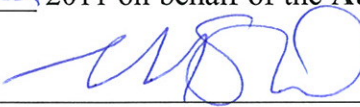
Signed this 5 day of June 2011 on behalf of the **National Research Council of Canada** by



(signature)
John R. McDougall

(printed name and title)
President


Signed this 26 day of September 2011 on behalf of the **Australian Research Council** by




(signature)
PROFESSOR MARGARET SHEIL

(printed name and title) Chief Executive Officer
Australian Research Council

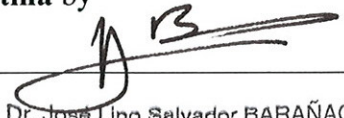
Signed this 21 day of October 2011 on behalf of the **Comisión Nacional de Investigación Científica y Tecnológica of Chile** by



(signature)


(printed name and title) PRESIDENTE

Signed this 29 day of February 2011 on behalf of the **Ministeria de Ciencia, Tecnología e Innovación Productiva of Argentina** by



(signature)
Dr. José Lino Salvador BARAÑO

(printed name and title) Ministro de Ciencia, Tecnología e
Innovación Productiva



Signed this 15 day of December 2011 on behalf of the **Ministério da Ciência e Tecnologia e Inovação of Brazil** by

Aldizio Mercadante Oliva
(signature)

ALDIZIO MERCADANTE OLIVA
(printed name and title)
MINISTRO DA CIÊNCIA, TECNOLOGIA
E INOVAÇÃO

