

PEOPLE'S REPUBLIC OF CHINA

Industrial and Technological Cooperation

Accord signed at Washington January 12, 1984;

Entered into force January 12, 1984.

(4233)

TIAS 10920

ACCORD ON INDUSTRIAL AND TECHNOLOGICAL COOPERATION
BETWEEN THE UNITED STATES OF AMERICA
AND THE PEOPLE'S REPUBLIC OF CHINA

The Government of the United States of America and the Government of the People's Republic of China (hereinafter referred to as the Parties):

Noting the development of economic and trade relations between the two countries;

Taking into account the characteristics and economic potential of the two countries and their respective levels of economic development;

Convinced of the desirability of promoting industrial and technological cooperation between the two countries on the basis of equality and mutual benefit;

Subject to and in implementation of the Agreement on Trade Relations between the United States of America and the People's Republic of China;^[1]

For the purpose of enhancing the friendship between the two peoples and further developing industrial and technological cooperation between the two countries;

Have agreed as follows:

Article I

1. The Parties shall take all appropriate steps to create favorable conditions for strengthening industrial and technological cooperation between the two countries in order to strive for a balance in their economic interests and the attainment of the harmonious development of such cooperation.
2. Such steps may include consultations to help identify and study proposals for industrial and technological cooperation projects, facilitation of contacts between potential participants in industrial and technological cooperation projects, assistance in arranging feasibility studies for industrial and technological cooperation projects and such other forms of cooperation as are mutually agreeable.
3. All activities under this Accord shall be subject to the respective applicable laws and regulations of the two countries.

¹ Signed July 7, 1979. TIAS 9630; 31 UST 4651.

Article II

1. Industrial and technological cooperation under this Accord shall be based on contracts or other arrangements between firms, companies and economic organizations of the two countries, in accordance with the respective applicable laws and regulations of the two countries.

2. The Parties recognize the importance of technology transfer and trade in technology products to the development of industrial and technological cooperation between the two countries. Accordingly, the Parties shall endeavor, in accordance with their respective laws and regulations, to promote and facilitate technology transfer and trade in technology products, so as to enhance the smooth conduct of industrial and technological cooperation between the two countries.

Article III

The Parties shall encourage industrial and technological cooperation according to the needs and capabilities of the two countries and on the basis of mutual benefit between firms, companies and economic organizations of the two countries. Such cooperation may include:

- (1) construction of new industrial facilities and expansion and modernization of existing facilities in both countries;
- (2) production, purchase, sale and leasing of machinery and equipment and high technology products;
- (3) purchase and sale of industrial and agricultural materials and consumer goods;
- (4) purchase, sale, license or commercial exchange of intellectual property rights, technical information or know-how, as well as provision of technical services, including training and exchange of specialists and technicians;
- (5) co-production and co-marketing, including cooperation in using the technology and equipment of the other Party so as to foster the mutual expansion of the reciprocal trade between the two countries; and
- (6) joint ventures, provision of services and construction works on a contractual basis, as well as other forms of industrial and technological cooperation which may be mutually agreed between firms, companies and economic organizations of the two countries.

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Article IV

1. For the purpose of implementing this Accord, the United States Government hereby nominates the Department of Commerce as its co-ordinating agency and the Chinese Government hereby nominates the Ministry of Foreign Economic Relations and Trade as its co-ordinating agency.

2. The U.S.-China Joint Commission on Commerce and Trade shall place on the agenda of each session thereof industrial and technological cooperation between the two countries so as to review the implementation of this Accord, and make such recommendations as may be appropriate in pursuit of the objectives of this Accord.

3. The U.S.-China Joint Commission on Commerce and Trade may, whenever the Parties deem it necessary, designate for a special purpose an ad hoc working group to assist it in its task. According to the needs of the specific task and by mutual agreement of the Parties, such ad hoc working group may include representatives of firms, companies and economic organizations of the two countries.

Article V

1. Details of the activities undertaken by the Parties under this Accord, including financial facilitation and funding on as favorable terms and conditions as possible, shall be decided by mutual agreement, on the basis of the principles of the Agreement on Trade Relations between the United States of America and the People's Republic of China and in accordance with their respective applicable laws and regulations.

2. The Trade and Development Program of the U.S. International Development Cooperation Agency shall consider the funding of feasibility studies of industrial and technological cooperation projects conducted under this Accord.

Article VI

This Accord shall be interpreted so as not to interfere with industrial and technological cooperation that might be conducted outside the Accord.

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Article VII

This Accord shall enter into force upon signature and shall remain in force until January 31, 1986. This Accord shall be extended for successive terms of three years if neither Party notifies the other of its intent to terminate this Accord at least thirty days before the end of a term.

Done at Washington this *12* th day of January, 1984 in duplicate in the English and Chinese languages, both equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

Ronald Reagan [1]

FOR THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF CHINA

赵紫阳 [2]

¹ Ronald Reagan.

² Zhao Ziyang.

**美利坚合众国和中华人民共和国
工业技术合作协议**

美利坚合众国政府和中华人民共和国政府（以下简称双方），注意到两国间经济贸易关系的发展状况，考虑到两国的特点和经济潜力以及它们各自的经济水平，确信在平等互利的基础上促进两国间的工业技术合作是可取的，

根据并为了执行美利坚合众国和中华人民共和国贸易关系协定，

为了加强两国人民的友谊和进一步发展两国间的工业技术合作，

议定如下：

第 一 条

- 一、为了力争相互经济利益的平衡和实现工业技术合作的协调发展，双方应采取一切适当步骤为加强两国间的工业技术合作创造良好条件。
- 二、此类步骤可以包括举行磋商，以便有助于鉴别和研究工业技术合作项目方面的建议，促进工业技术合作项目的潜在参加者之间的接触，协助安排工业技术合作项目以及双方同意的此类其它合

作形式的可行性研究。

三、本协议下的所有活动均应依照两国各自可适用的法律和规章。

第 二 条

一、本协议所述的工业技术合作应以两国商行、公司和经济组织按照两国各自可适用的法律和规章签订契约或作出其它安排为基础。

二、双方承认技术转让和技术产品的贸易对发展两国间的工业技术合作的重要性。为此，双方应按照各自的法律和规章，努力促进技术转让和技术产品的贸易并提供方便，以加速两国间的工业技术合作顺利进行。

第 三 条

双方应鼓励两国商行、公司和经济组织根据两国的需要和可能在互利基础上开展工业技术合作。合作可以包括：

- (一) 在两国国内建立新工业设施以及扩建和更新现有设施；
- (二) 机械、设备和高级技术产品的生产、购买、销售和租赁；
- (三) 工、农业材料以及消费品的购买和销售；
- (四) 知识产权、技术情报或诀窍的购买、销售、特许或商业性交流，以及技术服务的提供，包括专家和技术人员的培训和交流；
- (五) 合作生产和合作销售，包括通过利用对方的技术和设备进行合作，以便促进两国双边贸易的相互扩大。
- (六) 合资经营、劳务工程的承包以及两国商行、公司和经济

组织之间相互同意的其它形式的工业技术合作。

第 四 条

一、为执行本协议，美国政府指定商务部为其协调机构；中国政府指定对外经济贸易部为其协调机构。

二、美中联合商务贸易委员会应把两国间的工业技术合作列入各届会议的议程；以便检查本协议的实施情况，并为实现本协议的目标提出适当建议。

三、如双方认为有必要，美中联合商务贸易委员会可以为特定目的指定专设工作小组，辅助完成其任务。根据特定任务的需要，经双方同意，此类专设工作小组可以包括两国的商行、公司和经济组织的代表。

第 五 条

一、双方在本协议下所开展的活动细节，包括以尽可能优惠的条件提供金融便利和资金，应在美利坚合众国和中华人民共和国贸易关系协定的原则基础上，并根据各自可适用的法律和规章，经双方同意确定。

二、美国国际开发合作署贸易和发展规划办公室应考虑为本协议下所开展的工业技术合作项目的可行性研究提供资助。

第 六 条

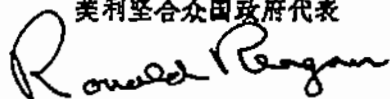
本协议应理解为不是对本协议以外可能进行的工业技术合作有干预之意。

第七 条

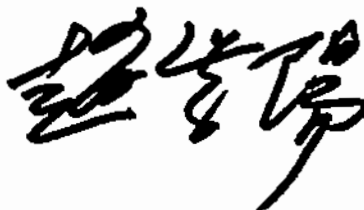
本协议自签字起生效，有效期至一九八六年一月三十一日。缔约任何一方如未在有效期满前至少三十天将终止本协议的意愿通知对方，则本协议有效期将延长三年，此后仍可依此方法延长。

本协议于一九八四年一月十二日在华盛顿签订，共两份，每份都用英文和中文写成，两种文本具有同等效力。

美利坚合众国政府代表



中华人民共和国政府代表



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