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**European Community
and
China**

Agreement for scientific and technological cooperation between the European Community and the Government of the People's Republic of China (with annex). Brussels, 22 December 1998

Entry into force: *14 December 1999 by notification, in accordance with article 11*

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Only the authentic English and French texts of the Agreement and attached Annex are published herein. Other authentic texts of the Agreement and its Annex are not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.

**Communauté européenne
et
Chine**

Accord de coopération scientifique et technologique entre la Communauté européenne et le Gouvernement de la République populaire de Chine (avec annexe). Bruxelles, 22 décembre 1998

Entrée en vigueur : *14 décembre 1999 par notification, conformément à l'article 11*

Textes authentiques : *chinois, danois, néerlandais, anglais, finnois, français, allemand, grec, italien, portugais, espagnol et suédois*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION
BETWEEN THE EUROPEAN COMMUNITY
AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

THE EUROPEAN COMMUNITY, hereinafter referred to as the "Community",

on the one part, and

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA,

on the other part,

hereinafter referred to as the "Parties";

CONSIDERING the 1985 Agreement on Trade and Economic Cooperation between the European Economic Community and the People's Republic of China;

CONSIDERING the importance of science and technology for their economic and social development;

CONSIDERING the ongoing scientific and technological cooperation between the Community and China;

CONSIDERING that the Community and China are currently pursuing research and technological activities, including demonstration activities, in a number of areas of common interest and that participation in each other's research and development activities on a basis of reciprocity will provide mutual benefits;

DESIRING to establish a formal basis for cooperation in scientific and technological research which will extend and strengthen the conduct of cooperative activities in areas of common interest and encourage the application of the results of such cooperation to their economic and social benefit;

CONSIDERING that this Agreement for scientific and technological cooperation is within the context of the global cooperation between China and the Community,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Purpose

The Parties shall encourage, develop and facilitate cooperative activities between the Community and China in fields of common interest where they are pursuing research and development activities in science and technology.

ARTICLE 2

Definition

For the purpose of this Agreement:

- (a) "cooperative activity" means any activity which the Parties undertake or support, pursuant to this Agreement, and includes joint research;

- (b) "information" means scientific or technical data, results or methods of research and development stemming from joint research and any other data deemed necessary by the participants to cooperative activities; including, as necessary, by the Parties themselves;
- (c) "intellectual property" shall have the meaning defined in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm, 14 July 1967;
- (d) "joint research" means research, technological development or demonstration that is implemented with or without financial support from one or both Parties and that involves collaboration by participants from both the Community and China and is designated as joint research in writing by the Parties or their scientific and technological organisations and agencies implementing the scientific research programmes. In the case where there is funding by only one Party the designation is made by that Party and the participant in that project;
- (e) "Participant" or "research entities" means any person moral or private, any research institute or any other legal entity or firm established in the Community or in China involved in cooperative activities including the Parties themselves.

ARTICLE 3

Principles

Cooperative activities shall be conducted on the basis of the following principles:

- (a) mutual benefit based on an overall balance of advantages;