

IMPLEMENTING ACCORD
BETWEEN THE
DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA
AND THE
STATE SCIENTIFIC AND TECHNOLOGICAL COMMISSION
OF THE PEOPLE'S REPUBLIC OF CHINA
ON COOPERATION IN THE FIELD OF HIGH ENERGY PHYSICS

The Department of Energy of the United States of America and the State Scientific and Technological Commission of the People's Republic of China (hereinafter referred to as the Parties), for the purpose of promoting cooperation and collaboration in the field of high energy physics subject to the Agreement Between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology, signed in Washington, D.C. on January 31, 1979, have agreed as follows:

ARTICLE 1

The objective of this Accord is to further the energy programs of the Parties by establishing a framework for cooperation in the field of high energy physics, including theoretical and experimental research, accelerator design and construction techniques; and related technology areas as may be mutually agreed.

ARTICLE 2

Cooperation under this Accord may include the following forms:

1. Exchange and provision of information on scientific

and technical developments, activities, and practices;

2. Research and development activities in the form of experiments, tests, and other technical collaborative activities;

3. Exchange of scientists, engineers, and other specialists; including visits by specialist teams or individuals to the facilities of the other Party, and exchange of personnel for training purposes;

4. Exchange and provision of samples, materials, instruments, and components for testing and evaluation;

5. Such other forms of cooperation as are mutually agreed.

ARTICLE 3

Specific undertakings, obligations and conditions with respect to the conduct of each activity under Article 2 including responsibility for payment of costs shall be agreed by authorized entities on a case-by-case basis.

ARTICLE 4

1. For the purpose of coordinating activities pursuant to this Accord, a Committee on High Energy Physics is hereby established, consisting of representatives of the Parties and such other persons from each Party's national research community as it may designate. Each Party shall designate one person to act as its co-chairperson on the Committee.

2. The Committee will encourage contacts between scientists, universities, and laboratories of the two nations.

3. The Committee each year shall develop and maintain a listing of joint activities to be carried out, and, as

requested by the participating institutions and scientists, shall assist with arrangements for the listed activities. Items may be listed by consensus at meetings of the Committee, or, between meetings, by agreement of the co-chairpersons.

4. Each Party shall designate its members of the Committee within two months of the effective date of this Accord. The first meeting of the Committee should be held, if possible, within three months thereafter at an agreed site. Subsequently, the Committee shall meet in the United States and the People's Republic of China alternately at intervals of about 12 months or as agreed by the co-chairpersons.

5. The Committee shall be subject to the direction of the US-PRC Joint Commission on Scientific and Technological Cooperation established under the aforesaid Agreement of January 31, 1979, and shall periodically report the Status of its program to that Commission.

6. The Committee may assume other duties as mutually agreed by the Parties.

ARTICLE 5

The application or use of any information exchanged or transferred between the Parties under this Accord shall be the responsibility of the Party receiving it, and the transmitting Party does not warrant the suitability of such information for any particular use or application.

ARTICLE 6

The Parties recognize the need to agree upon provisions

concerning protection of copyrights and treatment of inventions or discoveries made or conceived in the course of or under this Accord in order to facilitate specific activities hereunder. Accordingly, the Parties shall appoint experts in these two fields who shall separately recommend to the Parties detailed provisions which, if the Parties agree, shall be made an Annex to this Accord.

ARTICLE 7

Both Parties agree that in the event equipment is to be exchanged, or supplied by one Party to the other for use in cooperative activities, they shall enter into specific understandings on a case-by-case basis.

ARTICLE 8

1. Whenever an attachment of staff is contemplated under this Accord each Party shall ensure that staff with necessary skills and competence are selected for attachment to the other Party.

2. Each attachment of staff shall be the subject of an exchange of letters between the participating institutions, covering funding and other matters of interest not otherwise specified in this Accord.

3. Each Party shall provide all necessary assistance to the attached staff (and their families) of the other Party as regards administrative formalities, travel arrangements and accommodations.

4. The staff of each Party shall conform to the general rules of work and safety regulations in force at the host estab-

lishment, or as agreed in separate attachment of staff agreements.

ARTICLE 9

1. All questions related to this Accord or activities carried out hereunder shall be settled by mutual agreement of the Parties.

2. Each Party will accept liability to the extent authorized by its national laws for damages arising from cooperative activities under this Accord.

ARTICLE 10

1. This Accord shall enter into force upon signature, and, unless terminated earlier in accordance with paragraph 2 of this Article, shall remain in force for a five-year period. It may be amended or extended by mutual agreement of the Parties.

2. This Accord may be terminated at any time at the discretion of either Party, upon 6 months advance notification in writing by the Party seeking to terminate the Accord.

3. The termination of this Accord shall not affect the validity or duration of specific activities being undertaken hereunder.

DONE at Washington this 31st day of *January*, 1979,
in duplicate in the English and Chinese languages, both
equally authentic.

FOR THE DEPARTMENT OF ENERGY
OF THE
UNITED STATES OF AMERICA:

James R. Schlesinger

FOR THE STATE SCIENTIFIC
AND TECHNOLOGICAL COMMISSION
OF THE
PEOPLE'S REPUBLIC OF CHINA:

W. Z. Q.



Department of Energy

Washington, DC 20585

January 28, 1999

Mr. Jin Xiaoming
Deputy Director-General
Department of International Cooperation
Ministry of Science and Technology
15B Fu Xing Road
Beijing 100862
China

Dear Mr. Jin:

I am writing to you to seek your approval to amend the Implementing Accord between the Department of Energy of the United States of America and the State Science and Technology Commission of the People's Republic of China on Cooperation on Cooperation in the Field of High Energy Physics, signed the 31st day of January, 1979.

We understand that the functions of the State Science and Technology Commission have been transferred to the Ministry of Science and Technology of the People's Republic of China, as of March, 1998. With respect to the Implementing Accord, we hereby propose that the Department of Energy and the Ministry of Science and Technology agree that the Ministry of Science and Technology confirms and assumes the rights and obligations of the State Science and Technology Commission under the Implementing Accord; and

In light of the foregoing, I would propose amending the Implementing Accord to reflect the transfer of rights and obligations under this instrument, from the former State Science and Technology Commission to the Ministry of Science and Technology.

If the foregoing is acceptable to you, please signify your acceptance by signing your name and dating this letter below, and returning a copy of this letter to me.

Sincerely,

Robert S. Price
Acting Deputy Assistant Secretary
Office of Science and Technology Policy
and Cooperation

Date:

“ I / 02 / 99

