

ANNEX II - A

TO THE PROTOCOL ON COOPERATION IN THE FIELD OF FOSSIL ENERGY
TECHNOLOGY DEVELOPMENT AND UTILIZATION
BETWEEN
THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF SCIENCE AND TECHNOLOGY
OF THE PEOPLE'S REPUBLIC OF CHINA

FOR COOPERATION IN THE AREA OF
CLEAN FUELS

The Department of Energy (DOE) of the United States of America, and the National Energy Administration (NEA) of the People's Republic of China, hereinafter referred to as the "Parties":

Noting 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 January 31, 1979, as amended and extended, hereinafter referred to as the "Agreement",

Noting that under the Agreement the DOE and the Ministry of Science and Technology (MOST) of the People's Republic of China signed the Protocol for Cooperation in the Field of Fossil Technology Development and Utilization on April 20, 2000, hereinafter referred to as the "Protocol",

Noting that Article 2 of the Protocol identifies a number of areas for potential cooperation in the field of fossil energy technical development and utilization, and that Article 7 provides that the DOE and the MOST may invite other organizations to participate in cooperative activities under the Protocol;

Noting that under the Protocol the DOE and the State Development Planning Commission of the People's Republic of China signed Annex II thereto for Cooperation in the Area of Clean Fuels on November 19, 2002, hereinafter referred to as "Annex II", which has expired; and

Desiring to continue the cooperation in the area of clean fuels conducted under Annex II;

Have agreed as follows:

ARTICLE 1 OBJECTIVES

1. This Annex is subject to the Agreement and the Protocol. In the event of any conflict between the provisions of the Agreement or the Protocol and the provisions of this Annex, the provisions of the Agreement and the Protocol shall govern.
2. The objectives of this Annex are to jointly investigate and discuss key factors, analyses, data, processes, and technologies leading to the preparation and utilization of coal and mixed feedstocks that include coal as (a) an environmentally acceptable and economic resource for the production of alternative transportation fuels, additives, and chemicals; (b) a preferred feedstock for the production of power; and (c) a source of energy for the industrial sector.

ARTICLE 2 AREAS OF COOPERATION

Cooperation under this Annex may include, but is not limited to, the following areas:

1. Coal Conversion (including use of feedstock mixtures such as coal/biomass);
2. Advanced Separation Processes (i.e., innovative coal preparation technologies);
3. Co-Production of Alternative Fuels, Chemicals and/or Power;
4. Ultra-Clean Transportation Fuels, to Include Hydrogen, and Carbon Recycle for Integrated Fuels and Chemicals Production;
5. Solid Fuels and Feedstock including coal;
6. Carbon Sequestration Technology Related to Coal Use;
7. Technical Training, Workshops, and Meetings;
8. Other areas may be added by written agreement of the Parties.

ARTICLE 3 PARTICIPATING ORGANIZATIONS

1. The principal organizations in the United States responsible for conducting the cooperative activities under this Annex shall be the DOE and its National Energy Technology Laboratory.

2. The principal organization in the People's Republic of China responsible for conducting the cooperative activities under this Annex shall be the China National Energy Administration (NEA).
3. By-written agreement of DOE and NEA, other government agencies and organizations in their respective countries may be invited to participate in this Annex, on such terms and conditions as the Parties jointly decide.

ARTICLE 4 FORMS OF COOPERATION

Cooperation undertaken pursuant to this Annex may take any of the forms listed in Article 3 of the Protocol.

ARTICLE 5 MANAGEMENT

Each Party shall designate an Annex Coordinator to oversee all activities conducted under this Annex, including harmonizing future program opportunities with a view to maximizing the mutual benefits of cooperation. An Annex Coordination Meeting shall be held at a mutually agreed site, preferably annually. Individual Tasks conducted under the Annex shall have a Task Coordinator from each organization participating in the Task, to manage specific cooperative activities, and to establish and maintain working contacts at the staff level.

ARTICLE 6 COSTS AND TECHNICAL SCOPE

Except when otherwise specifically agreed by the Parties in writing in each joint Task, all costs, including travel and lodging expenses, resulting from cooperation in each Task under this Annex shall be borne by the Party that incurs them. The implementation of this Annex is subject to the availability of appropriated funds and personnel, and each Party shall conduct its activities in accordance with applicable laws and regulations to which it is subject. Each joint Task shall be the subject of a written agreement which shall include provisions governing, as appropriate, such subjects as exchange of proprietary information, management, total costs, cost sharing, and schedule, and any undertakings, obligations or conditions necessary to the proposed Task.

ARTICLE 7
ENTRY INTO FORCE, AMENDMENT, AND TERMINATION

1. This Annex shall enter into force upon signature by DOE and NEA, and (subject to paragraph 2 of this Article) shall remain in force for the duration of the Protocol. This Annex may be amended by written agreement of the Parties, so long as the Protocol remains in force.
2. At its discretion, a Party may terminate its participation in this Annex upon six (6) months advance notice in writing to the other Party. The Parties may terminate this Annex at any time in writing.

DONE in Qingdao, in duplicate, on the 27 day of September, 2009, in the English and Chinese languages, each text being equally authentic.

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



FOR THE NATIONAL ENERGY
ADMINISTRATION OF
THE PEOPLE'S REPUBLIC OF CHINA:



美利坚合众国能源部

与

中华人民共和国科学技术部

关于化石能源技术开发和利用合作议定书

附件二 清洁燃料领域的合作

美利坚合众国能源部与中国国家能源局（以下简称“双方”）：

注意到美利坚合众国政府与中华人民共和国政府 1979 年 1 月 31 日签订，并已修改和延长的《科技合作协议》（以下简称“协议”）；

注意到根据该协议，美利坚合众国能源部与中华人民共和国科学技术部 2000 年 4 月 20 日签订的《关于化石能源技术领域开发和利用合作议定书》（以下简称“议定书”）；

注意到议定书第二条列举了在化石能源技术开发和利用方面若干潜在合作领域，议定书第七条规定：美国能源部和中华人民共和国科学技术部可在议定书框架下，邀请其它组织参与合作活动；

注意到根据该议定书，美利坚合众国能源部与原中华人民共和国国家发展计划委员会于 2002 年 11 月 19 日签订了清洁燃料领域合作的附件二（以下简称“附件二”）

已经到期，且双方希望在附件二框架下继续开展在清洁能源领域的合作；

双方达成如下协议：

第一条

目标

1. 本附件须遵守协议和议定书的条款，如本附件与协议或议定书的条款有任何冲突，以协议和议定书的条款为准。
2. 本附件的目标是联合调查和讨论煤炭及含煤混合原料的加工和利用中的关键因素、分析方法、数据、工艺和技术，使其成为（a）一个环保上可接受的经济资源，用来生产替代运输燃料、添加物和化学品；（b）一个用于电力生产的首选原料；（c）工业部门的能源来源。

第二条

合作领域

本附件下的合作包括但不限于以下领域：

1. 煤转化（包括利用煤/生物质等混合原料）；
2. 先进的分离工艺（例如：创新的煤炭制备技术）；
3. 可替代燃料、化学品及/或电力的多联产；

4. 超洁净运输燃料, 包括氢, 燃料和化学品联产中的碳循环;
5. 含煤固体燃料和原料;
6. 和煤利用相关的碳捕获和封存技术;
7. 技术培训、工作组和会议;
8. 经各方书面同意的可以增加的其它领域。

第三条

参加单位

1. 美利坚合众国方面负责本附件下合作活动的主要单位是美利坚合众国能源部和国家能源技术实验室。
2. 中华人民共和国方面负责本附件下合作活动的主要单位是中国国家能源局。
3. 经过美国能源部和中国国家能源局的书面同意, 两国的其它政府机构和单位均可受邀参加本附件, 合作条款和条件由双方共同决定。

第四条

合作形式

合作按照本附件执行, 可以采用在议定书第三条中所列述的任何形式。

第五条

管理

双方应各指派一名附件协调员监督本附件指导下的所有活动，包括为了使合作共同利益最大化，协调未来合作项目的时机。附件协调人会议应当在双方同意的地点召开，最好每年一次。对于附件指导下的每一项任务，各参加机构应该安排一名任务协调员，管理具体的合作活动，并在工作层建立和维持工作关系。

第六条

费用和技术范围

在每个联合任务中，除非双方作出具体书面同意，根据本附件进行的合作中产生的所有费用，包括差旅费和住宿费，由费用发生方承担。本附件的执行取决于是否有与之匹配的经费和人员，双方在开展活动过程中须遵守各自国家适用的法律和法规。每个合作任务都需要签署书面协议，协议内容应根据具体情况包括有关管理规定，比如专有资料的交流、管理、总费用、费用分担、时间表和任何拟议中的任务必需的义务、责任或条件等管理规定。

第七条

生效、修改和终止

1. 本附件经美国能源部和中国国家能源局签署后生效，并在议定书有效期内有效（根据本条第二款的规定）。在议定书有效期内，经双方书面同意，可对本附件进行修改。

2. 根据意愿，一方可以提前6个月向另一方提交书面通知，终止参与本附件。双方可以在任何时间以书面形式终止本附件。

本附件于2009年9月27日在青岛签署，文本为中英双语，两种文本具有同等效力。

美利坚合众国能源部



中国国家能源局

