

No. 18656

**UNITED STATES OF AMERICA
and
JAPAN**

**Agreement on co-operation in research and development in
energy and related fields (with exchange of notes).
Signed at Washington on 2 May 1979**

Authentic texts of the Agreement: English and Japanese.

Authentic text of the Exchange of notes: English.

Registered by the United States of America on 18 April 1980.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Accord de coopération pour la recherche et le développement
en matière énergétique et autres domaines connexes
(avec échange de notes). Signé à Washington le 2 mai
1979**

Textes authentiques de l'Accord : anglais et japonais.

Texte authentique de l'Échange de notes : anglais.

Enregistré par les États-Unis d'Amérique le 18 avril 1980.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF JAPAN ON COOPERATION IN RESEARCH AND DEVELOPMENT IN ENERGY AND RELATED FIELDS

The Government of the United States of America and the Government of Japan,

Desiring to further strengthen cooperative relations between the two Governments, looking toward the twenty-first century,

Recognizing that the energy problem is one of the most important questions to be resolved for world prosperity in this century and in the twenty-first century,

Determined to play a constructive role in resolving this problem through close cooperation,

Believing that cooperation between the two Governments in research and development in energy and related fields is of mutual advantage in insuring a stable supply of energy resources to meet the rapidly growing requirements of not only their own peoples, but all the peoples of the world,

Recognizing the contribution such research and development can make to improvement of the environment, and

Desiring to complement cooperation in energy research and development in appropriate international organizations, including the International Energy Agency,

Have agreed as follows:

Article I. The two Governments will maintain and intensify their cooperation in research and development in energy and related fields on the basis of equality and mutual benefit.

Article II. 1. Cooperation may be undertaken in the following areas:

(a) Areas of initial emphasis:

- (i) Fusion;
- (ii) Coal conversion;

(b) Additional areas:

- (i) Solar energy conversion by means of photosynthesis;
- (ii) Geothermal energy;
- (iii) High energy physics;
- (iv) Other areas in energy and energy-related research and development as may be mutually agreed.

2. Cooperation in the areas referred to in paragraph 1 above will be undertaken on the basis of equitable sharing of costs and benefits and, with regard to the areas of initial emphasis referred to in paragraph 1(a) above, also in accordance with the principle of balance between areas.

¹ Came into force on 2 May 1979 by signature, in accordance with article XI (1).

Article III. Cooperation in the areas referred to in article II may take the following forms:

- (a) Conduct of joint projects and programs, and other cooperative projects and programs;
- (b) Meetings of various forms, such as those of experts, to discuss and exchange information on scientific and technological aspects of general or specific subjects and to identify research and development projects and programs which may be usefully undertaken on a cooperative basis;
- (c) Exchange of information on activities, policies, practices, and legislation and regulations concerning energy research and development;
- (d) Visits and exchanges of scientists, technicians or other experts on general or specific subjects; and
- (e) Other forms of cooperation as may be mutually agreed.

Article IV. Implementing arrangements specifying the details and procedures of cooperative activities in the areas referred to in article II will be made between the two Governments or their agencies, whichever is appropriate.

Article V. 1. The two Governments will establish a United States-Japan Joint Committee on Energy Research and Development (hereinafter referred to as "the Joint Committee") to review activities and accomplishments under this Agreement and to give appropriate advice to the two Governments regarding future cooperation.

2. The Joint Committee will consist of six members, three of whom will be designated by the Government of the United States of America and three of whom will be designated by the Government of Japan.

3. The Joint Committee will meet at least once each year, at a mutually agreed time, in the United States of America and Japan alternately.

4. Subordinate committees to facilitate implementation of cooperation in the areas referred to in article II will be established in accordance with the implementing arrangements referred to in article IV or as otherwise mutually agreed.

Article VI. Each Government will notify the other Government of the internal administrative arrangements it has made to insure effective implementation of this Agreement.

Article VII. 1. Scientific and technological information of a non-proprietary nature arising from the cooperative activities under this Agreement may be made available to the public by either Government through customary channels and in accordance with the normal procedures of the participating agencies.

2. The two Governments will give due consideration to the equitable distribution of industrial property resulting from the cooperative activities under this Agreement and of licenses thereof and to the licensing of other related industrial property necessary for the utilization of the results of such cooperative activities, and will consult each other for this purpose as necessary.

Article VIII. Nothing in this Agreement shall be construed to prejudice existing or future arrangements for cooperation between the two Governments, except as provided in paragraph 3 of article XI.

Article IX. Activities under this Agreement shall be subject to budgetary appropriations and to the applicable laws and regulations in each country.

Article X. The termination of this Agreement shall not affect the carrying out of any project or program undertaken in accordance with the implementing arrangements referred to in article IV and not fully executed at the time of the termination of this Agreement.

Article XI. 1. This Agreement shall enter into force upon signature and remain in force for ten years.

However, either Government may at any time give written notice to the other Government of its intention to terminate this Agreement, in which case this Agreement shall terminate six months after such notice has been given.

2. This Agreement may be extended by mutual agreement of the two Governments.

3. The Agreement between the Government of the United States of America and the Government of Japan on Cooperation in the Field of Energy Research and Development, signed on July 15, 1974,¹ is superseded by this Agreement.

DONE at Washington on May 2, 1979, in duplicate in the English and Japanese languages, both being equally authentic.

For the Government of the United States of America:

[Signed — Signé]¹

For the Government of Japan:

[Signed — Signé]²

¹ United Nations, *Treaty Series*, vol. 961, p. 141.

² Signed by James R. Schlesinger — Signé par James R. Schlesinger.

³ Signed by Sunao Sonoda — Signé par Sunao Sonoda.

EXCHANGE OF NOTES

I

Washington, May 2, 1979

Excellency:

I have the honor to refer to the Agreement between the Government of Japan and the Government of the United States of America on Cooperation in Research and Development in Energy and Related Fields, signed today (hereinafter referred to as "the New Agreement") and the Agreement between the Government of Japan and the Government of the United States of America on Cooperation in the Field of Energy Research and Development, signed on July 15, 1974 (hereinafter referred to as "the Superseded Agreement"), and to confirm on behalf of the Government of Japan the following understanding:

1. Pursuant to the provisions of paragraph 1 (b) (iv) of article II of the New Agreement, the two Governments agree that cooperation may be undertaken in the following additional areas referred to in article III of the Superseded Agreement:

- (a) Solar energy applications (excluding "solar energy conversion by means of photosynthesis");
- (b) Storage batteries;
- (c) Energy applications of hydrogen;
- (d) Magnetohydrodynamic conversion;
- (e) Fuel cells;
- (f) Electrical energy transmission by superconduction or microwaves;
- (g) Advanced propulsion systems;
- (h) Energy conservation;
- (i) Utilization of waste materials and waste heat.

2. The Implementing Arrangement between the United States Department of Energy and the Agency of Industrial Science and Technology of Japan in the Field of Geothermal Energy Applications, concluded on June 15, 1978, pursuant to the provisions of article IV of the Superseded Agreement, shall be deemed to be an implementing arrangement made pursuant to the provisions of article IV of the New Agreement.

I should be grateful if Your Excellency would be good enough to confirm the foregoing understanding on behalf of the Government of the United States of America.

Accept, Excellency, the assurances of my highest consideration.

[Signed — Signé]¹

Minister for Foreign Affairs
of Japan

The Honorable James R. Schlesinger
Secretary of Energy
of the United States of America

¹ Signed by Sunao Sonoda — Signé par Sunao Sonoda.

II

May 2, 1979

Excellency:

I have the honor to refer to Your Excellency's Note of today's date which reads as follows:

[See note I]

I have further the honor to confirm on behalf of the Government of the United States of America the understanding set forth in Your Excellency's Note.

Accept, Excellency, the assurances of my highest consideration.

[Signed — Signé]¹

Secretary of Energy
of the United States of America:

His Excellency Mr. Sunao Sonoda
Minister for Foreign Affairs of Japan

¹ Signed by James R. Schlesinger — Signé par James R. Schlesinger.