

No. 24313

**BRAZIL
and
UNITED STATES OF AMERICA**

Agreement relating to co-operation in science and technology. Signed at Brasília on 6 February 1984

*Authentic texts: Portuguese and English.
Registered by Brazil on 27 August 1986.*

**BRÉSIL
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif à la coopération scientifique et technique.
Signé à Brasília le 6 février 1984**

*Textes authentiques : portugais et anglais.
Enregistré par le Brésil le 27 août 1986.*

AGREEMENT¹ BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL AND THE UNITED STATES OF AMERICA RELATING TO CO- OPERATION IN SCIENCE AND TECHNOLOGY

The Government of the Federative Republic of Brazil and the Government of the United States of America, hereinafter referred to as the Contracting Parties,

In light of their shared goals of economic and social development and of the improvement of the quality of life of their people;

Noting the mutual benefits which have accrued to both sides under the Agreement on a Program of Scientific Cooperation between the Federative Republic of Brazil and the United States of America signed at Brasília, December 1, 1971;²

Recognizing that continued scientific and technological cooperation between the two nations will advance the state of science, raise the level of technology, and contribute to attaining their common goals; and

Realizing also that such cooperation will strengthen the bonds of friendship between the people of their two countries;

Have agreed as follows:

Article I. 1. The Contracting Parties will undertake and promote a broad program of scientific and technological cooperation according to priorities which shall be established periodically.

2. In pursuit of the goals of this Agreement, each Contracting Party shall encourage and facilitate, as it deems appropriate, the development of direct contacts and cooperation between governmental agencies, universities, research centers, industrial firms and other institutions of the two countries. Specific complementary working arrangements, hereinafter referred to as "implementing arrangements", will be concluded for carrying out the mutually agreed upon activities under this Agreement.

3. Implementing arrangements setting forth details and procedures of the specific cooperative activities under this Agreement may be made between the governmental agencies of the two countries or between the Contracting Parties.

4. When the Contracting Parties and the pertinent cooperating entities desire to bring under the terms of this Agreement science and technology arrangements between private sector organizations on the two sides, or between a private sector organization on one side and a governmental agency on the other side, that will be accomplished through diplomatic means. This provision shall not be construed to prejudice arrangements which are not brought under the terms of this Agreement.

Article II. 1. The cooperative activities under this Agreement shall seek to strengthen cooperation between scientists and engineers of the Contracting Parties by providing them with opportunities to exchange knowledge, ideas and techniques; to collaborate on the solution of problems of mutual interest; and to work together on the basis of mutual benefit.

¹ Came into force on 15 May 1986, the date on which the Contracting Parties notified each other of the completion of the procedural requirements, in accordance with article XI.

² United Nations, *Treaty Series*, vol. 822, p. 135.

2. The extensive interchange of scientists and engineers is encouraged, in recognition that the personal interactions are instrumental in reaping the full benefits of cooperation.

Article III. 1. The cooperative activities under this Agreement and its implementing arrangements may include exchanges of scientists and engineers, exchanges of scientific and technical information, the holding of joint seminars and meetings, and the carrying out of joint research projects and other types of activities which will contribute to achieving the goals and objectives of the Agreement.

2. Cooperation under this Agreement may be undertaken in the fields of agriculture, health, oceanography, space, metrology, natural resources, basic sciences, environment, engineering, industrial technology, and such other areas of science and technology and their management as may be agreed upon by the Contracting Parties.

3. The scientists and engineers who participate in the program may come from governmental agencies, academic institutions, and, when mutually agreed upon by the Contracting Parties, private firms or other types of organizations.

Article IV. This Agreement and its implementing arrangements shall be concluded and implemented in accordance with the laws and administrative practices of each Contracting Party.

Article V. 1. Each Contracting Party normally shall bear the cost of its participation in cooperative activities carried out under this Agreement, subject to the availability of funds and following the procedures to be mutually worked out in the implementing arrangements.

2. The Contracting Parties may also agree upon other means for financing.

Article VI. 1. Each Government shall facilitate entry to and exit from its territory of personnel working on or equipment used in cooperative activities under this Agreement and its implementing arrangements.

2. Such facilitation shall include visas appropriate to the situation, and exemption from import duties and taxes on personal effects and initial arrival of household effects.

3. Subject to applicable bond requirements, each Contracting Party shall exempt from all taxes and duties both the imports and exports from one country to the other of possessions, equipment and materials necessary for the implementation of this Agreement and its implementing arrangements. Such possessions, equipment and materials will be reexported to the sending Contracting Party when the programs and projects for which they were destined end, except when the possessions, equipment and materials are conated, destroyed, abandoned, or sold to the receiving Contracting Party, or the possessions, equipment and materials are used up. Possessions, equipment and materials imported free of taxes and duties under this Agreement and its implementing arrangements cannot be sold without the consent of the receiving Contracting Party.

Article VII. 1. The disposition of patents, designs, trade secrets, copyrights, and all other intellectual property arising from the cooperative activities under this Agreement may be provided for in the implementing arrangements referred to in Article 1.

2. Scientific and technological information of a non-proprietary nature derived from the cooperative activities conducted under this Agreement and its implementing arrangements may be made publicly available to the world scientific and technological community through customary channels and in accordance with the normal procedures of the participants. However, through the implementing arrangements, participants may agree to restrict dissemination of such information.

Article VIII. 1. The two Contracting Parties agree to establish the Brazil-United States Joint Commission on Science and Technology Cooperation, hereinafter referred to as the "Joint Commission". For the Government of the Federative Republic of Brazil, the executive agency will be the Ministry of External Relations. For the Government of the United States of America, the executive agency will be the Department of State. Each executive agency shall designate a chairman and its members of the Joint Commission. The Joint Commission shall adopt procedures for its operations and shall meet alternately in Brazil and in the United States on dates to be determined through diplomatic channels, when deemed useful and convenient by both Contracting Parties.

2. The Joint Commission shall be responsible for:

- a) The planning and coordination of cooperative activities in science and technology under this Agreement and its implementing arrangements;
- b) The review of cooperative activities under this Agreement and the implementing arrangements as well as proposals of new cooperative projects;
- c) The presentation of recommendations to both Contracting Parties pertaining to the implementation of this Agreement; and
- d) Such further functions as are agreed upon between the Contracting Parties.

3. To carry out its functions, the Joint Commission may, when necessary, create temporary or permanent joint subcommittees or working groups.

4. The Joint Commission shall be kept informed of the progress of the cooperative activities initiated under the implementing arrangements.

5. Policy level communications under this Agreement during the periods between sessions of the Joint Commission shall be conducted through diplomatic channels or by other means to be designated by each Contracting Party.

Article IX. Nothing in this Agreement shall preclude other arrangements for scientific and technological cooperation.

Article X. Upon approval by both Contracting Parties, scientists, engineers, governmental agencies and institutions of third countries and international organizations may participate in projects and programs being carried out under this Agreement and its implementing arrangements.

Article XI. 1. This Agreement shall enter into force upon receipt of notification that the Contracting Parties have completed their procedural requirements, at which time it shall supersede the Agreement on a Program of Scientific Cooperation between the Federative Republic of Brazil and the United States of America signed

December 1, 1971,¹ as amended² and extended.³ It shall remain in force for five years. It may be modified or extended by written agreement of the two Contracting Parties.

2. Either Contracting Party may terminate this Agreement at any time by giving written notice six months in advance of such termination. The termination of this Agreement shall not affect the validity or duration of any implementing arrangements made under it.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at Brasília, this 6th day of February 1984, in the Portuguese and English languages, both texts being equally authoritative.

For the Government
of the Federative Republic
of Brazil:

[*Signed*]

RAMIRO SARAIVA GUERREIRO

For the Government
of the United States of America:

[*Signed*]

GEORGE P. SHULTZ

¹ See note 2 on p. 16 of this volume.

² United Nations, *Treaty Series*, vol. 1082, p. 357.

³ *Ibid.*, vol. 1263, p. 447; vol. 1286, p. 399; vol. 1296, p. 401; vol. 1318, p. 343; vol. 1344, p. 236, and vol. 1394, No. A-11774.