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**Germany
and
Myanmar**

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of the Union of Myanmar concerning cultural cooperation (with annex). Nay Pyi Taw, 15 July 2013

Entry into force: *provisionally on 15 July 2013 by signature and definitively on 20 April 2015 by notification, in accordance with article 16*

Authentic texts: *English, German and Myanmar*

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**Allemagne
et
Myanmar**

Accord entre le Gouvernement de la République fédérale d'Allemagne et le Gouvernement de la République de l'Union du Myanmar concernant la coopération culturelle (avec annexe). Naypyidaw, 15 juillet 2013

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[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement

between

the Government of the Federal Republic of Germany

and

the Government of the Republic of the Union of Myanmar

concerning

Cultural Cooperation

Agreement between
the Government of the Federal Republic of Germany
and
the Government of the Republic of the Union of Myanmar
concerning Cultural Cooperation

The Government of the Federal Republic of Germany and the Government of the Republic of the Union of Myanmar (hereinafter referred to as the Contracting Parties) –

desiring to intensify relations between the two countries and to deepen mutual understanding,

convinced that cultural exchange promotes cooperation between peoples as well as understanding of the culture, intellectual activities and way of life of other peoples,

recalling the historical contribution of both peoples to the world's common cultural heritage and aware that the maintenance and preservation of cultural objects are obligatory tasks,

desiring to extend the cultural relations between the populations of both countries in all spheres, including education and research –

have agreed as follows:

Article 1

Purpose

The Contracting Parties shall endeavour to improve mutual knowledge of the culture of their countries and to further develop cultural cooperation in all spheres and at all levels.

Article 2

Cultural Exchange

The Contracting Parties shall within the scope of their possibilities and capacities take appropriate measures to improve knowledge of the other country's art, literature and related fields, and shall assist one another as far as possible, in particular with regard to

1. the arrangement of guest performances by artists and ensembles and the organization of concerts, theatre performances and other artistic events;
2. the organization of exhibitions, lectures and readings;
3. the organization of reciprocal visits, joint conferences and similar events by representatives of the various spheres of cultural life, in particular literature, music and the performing and fine arts, which aim to develop cooperation and facilitate an exchange of experience;
4. the promotion of contacts in the fields of publishing, libraries, archives and museums and the exchange of specialists and material;
5. the translation of literary, scientific, academic and specialist works.

Article 3

Promotion of Culture and Language Skills

(1) The Contracting Parties shall endeavour to provide all interested persons with broad access to the language, culture, literature and history of the other country. This shall also apply to cultural exchange with national minorities. The Contracting Parties shall support relevant government and private initiatives and institutions as far as possible.

(2) They shall within the scope of their possibilities and capacities enable and facilitate in their country promotional measures by the other side and shall support local initiatives and institutions to that end as far as possible. This shall apply in particular to the spread of knowledge of the partner language at schools, higher education institutions and other educational establishments, including adult education institutions. Measures to promote language skills shall include in particular

1. the provision and secondment of teachers, lecturers, specialist advisers and other education experts;
2. the provision of textbooks and teaching materials and cooperation on their development;
3. the participation by teachers and students in courses of basic and further training organized by the other side, as well as an exchange of experience regarding current developments in language-teaching methods and tools;
4. the use of the possibilities offered by broadcasting and telemedia services for teaching, acquiring and disseminating the partner language after agreement between the Contracting Parties has been reached in discussion.

(3) The Contracting Parties shall cooperate towards ensuring that their textbooks depict the history, geography and culture of the other country in a way designed to improve mutual understanding.

Article 4
Cooperation in the Field of Education

The Contracting Parties shall as far as possible support broad-based cooperation in all areas of education, including schools and higher education institutions, research institutions and academic and scientific organizations, non-school organizations and institutions for vocational training and further education for adults, school and vocational education administrations, other educational establishments and their administrations, and libraries and archives. They shall encourage the relevant institutions in their country

1. to cooperate in all fields of mutual interest;
2. to promote relations between the two countries' educational establishments and other cultural institutions;
3. to support the secondment of delegations and individuals to the other country for the purpose of exchanging information and experience;
4. to promote the exchange of educational literature, teaching aids, information and demonstration materials and films for teaching and research purposes as well as the organization of relevant specialist exhibitions;
5. to facilitate as far as possible access to and use of archives, libraries and similar institutions and to support the exchange of research and documentation as well as archive reproductions.

Article 5
Academic Exchange

(1) The Contracting Parties shall endeavour to support the exchange of academics, teachers and instructors, post- and undergraduate students, and administrative staff at higher education institutions and other academic establishments in the form of fact-finding trips or periods of study or research abroad, including participation in academic conferences and symposiums.

(2) The Contracting Parties shall within the scope of their possibilities and capacities make available educational, further-training and research scholarships for students and academics from the other country. They shall take other appropriate measures to support academic exchange, including the application of simple, speedy procedures for the issue of residence permits and simplified conditions of residence in the host country.

(3) The Contracting Parties shall examine the conditions under which university degrees, periods of study and academic achievements completed at universities in the other country can be recognized for academic purposes, as well as the possibility of reaching a separate arrangement on this matter.

Article 6 Film and the Media

In the field of film as well as broadcast and teledmedia services, the Contracting Parties shall within the scope of their possibilities and capacities support cooperation between the relevant institutions in their countries as well as the production and exchange of films and other audiovisual material which may serve the purposes of this Agreement. They shall encourage cooperation in the field of books and publishing.

Article 7 Young People

The Contracting Parties shall endeavour to promote youth exchange programmes as well as cooperation between youth work specialists and aid organizations for young people.

Article 8
Sport

The Contracting Parties shall encourage meetings between their countries' sportspeople, trainers, sports administrators and sports teams and shall endeavour to foster cooperation in the field of sports, including at schools and higher education institutions.

Article 9
Conservation of Monuments

The Contracting Parties shall cooperate in the fields of conserving and maintaining cultural heritage and protected cultural monuments, ensembles and sites while ensuring the involvement of the authorities deemed responsible under national law.

Article 10
Persons Living in the Territory of the Other Contracting Party

The Contracting Parties shall enable persons who are permanently resident in their respective territories and who are citizens of or have roots in the territory of the other Contracting Party to maintain their language, culture, traditions and religion, particularly in community centres. The Contracting Parties shall enable and facilitate measures undertaken by the other side to promote the interests of those persons and their organizations. This notwithstanding, they shall take adequate account of the interests of these people within the scope of general support programmes. All measures undertaken pursuant to this Article shall be subject to the applicable legislation.

Article 11
Non-Governmental Organizations

The Contracting Parties shall enable direct contact between their societies' groups and associations such as trade unions, churches and religious communities, national minorities

and foundations for the purpose of cooperation. They shall encourage such non-governmental organizations to carry out projects which serve the purposes of this Agreement.

Article 12
Regional and Local Level

The Contracting Parties shall facilitate and encourage cooperation in a spirit of partnership at regional and local level.

Article 13
Cultural Institutions and Experts

(1) The Contracting Parties shall within the scope of the applicable legislation facilitate the establishment and operation within their countries of the other Contracting Parties' cultural institutions.

(2) Cultural institutions for the purposes of paragraph (1) above shall be cultural institutes, institutions of higher education, academic and scientific organizations, research institutions, general and vocational schools, teacher-training institutions, adult education or vocational training establishments, libraries and reading rooms or other institutions wholly or predominantly financed through public funds.

(3) The status of the cultural institutions referred to in paragraph (2) above and of experts seconded or provided by the Contracting Parties for official assignments in the context of cultural cooperation shall be regulated in the Annex to this Agreement. The Annex is an integral part of this Agreement.

Article 14
Cultural Consultations

Representatives of the Contracting Parties shall meet as a Mixed Commission alternately in the Federal Republic of Germany and in the Republic of the Union of Myanmar as required or at the request of one of the Contracting Parties in order to review the exchanges that have taken place within the framework of this Agreement and to make recommendations and draw up programmes for further cultural cooperation. Arrangements to this end shall be made by exchange of Notes between the Contracting Parties.

Article 15
Settlement of Disputes

Any dispute concerning the interpretation or implementation of any provisions of this Agreement shall be settled by the parties through negotiations and consultations.

Article 16
Entry into Force

(1) This Agreement shall enter into force on the date on which the Contracting Parties have notified each other that the national requirements for such entry into force have been fulfilled. The relevant date shall be the date of receipt of the last notification.

(2) This Agreement shall be applied provisionally in accordance with applicable national legislation as from the date of signature.

Article 17
Period of Validity and Termination

This Agreement shall be valid for a period of five years. Thereafter it shall be extended for successive five-year periods unless terminated in writing through diplomatic channels by either Contracting Party giving six months' notice prior to the expiry of any such period.

Done at Nay Pyi Taw on 15 July 2013 in duplicate in the German, Myanmar and English languages, all three texts being authentic. In case of divergent interpretations of the German and Myanmar texts, the English text shall prevail.



For the Government of the
Federal Republic of Germany



For the Government of the
Republic of the Union
of Myanmar

Annex
to the Agreement
between
the Government of the Federal Republic of Germany
and
the Government of the Republic of the Union of Myanmar
concerning
Cultural Cooperation

1. (1) The provisions of this Annex shall apply to the cultural institutions referred to in Article 13 of this Agreement and to their seconded experts.

(2) The experts seconded or provided on official assignments by the Contracting Parties in the context of cultural cooperation between the two countries in the fields of culture, research or education shall be seconded experts as defined by this Agreement, in so far as no other provision has been agreed.

(3) The number of seconded experts should be proportionate to the purpose to be fulfilled by the respective cultural institution.

2. (1) A residence permit in the form of a visa must be obtained from one of the host country's diplomatic missions or career-consular posts before entry into the receiving state. Applications for the extension of residence permits may be made in the host country.

(2) The respective competent authorities of the Contracting Parties shall, free of charge and upon application, grant residence permits to the seconded experts and the members of their families forming part of their household, within the scope of the applicable legislative and other provisions. Residence permits shall entail the right to multiple entries and exits during their period of validity. Residence permits held by seconded experts shall entitle them to engage in employment in cultural institutions as defined by Article 13 of this Agreement.

(3) Family members for the purposes of this Agreement shall be spouses and unmarried children who are still minors, as well as registered partners.

3. (1) The Contracting Parties shall in accordance with the applicable legislation grant the seconded experts and their family members exemption from customs duties and other charges for import and re-export in respect of the following items in their possession:
 - a) household effects (including private motor vehicles) in so far as they have been in use for at least six months prior to the move and are released for free circulation with end-use in the receiving state within travel months of the normal residence being established there;
 - b) medication carried during travel for the traveller's personal use;
 - c) items imported by post for personal use as well as gifts complying with the restrictions on quantity and value applicable in the receiving state.

Notwithstanding exemption from charges, any bans or restrictions which may be in place in the context of import and re-export shall be respected.

(2) Items imported duty-free may only be sold or otherwise passed on in the receiving state after twelve months or following payment of the import charges.

4. The Contracting Parties shall assist the seconded experts and their family members in registering imported motor vehicles.
5. The Contracting Parties shall grant the seconded experts as well as the members of their families forming part of their household unrestricted freedom of movement in their respective territories in so far as the conditions set forth in paragraph 2(1) of this Annex are fulfilled.

6. The seconded experts' salaries and remunerations shall be subject to taxation in accordance with the applicable arrangements between the Federal Republic of Germany and the Republic of the Union of Myanmar on the avoidance of double taxation with respect to taxes on income and on capital and in accordance with the applicable legislative and other provisions.

7. During their stay in the territory of the host country the seconded experts and their family members shall be granted
 - a) the same facilities for repatriation in times of national and international crisis as the two Contracting Parties grant to foreign experts in conformity with the applicable legislative and other provisions;
 - b) the rights existing under general international law in the event of their property being damaged or lost owing to public disturbance.

8. (1) The cultural institutions may employ local staff in addition to the seconded experts. The local staff may be nationals of the sending state, the receiving state or a third country.

(2) Permission to commence employment, the terms and conditions of employment, and the other working conditions of local staff shall be governed by the legislation applicable in the host country.

9. (1) The Contracting Parties shall in accordance with the applicable legislation grant the cultural institutions exemption, on the basis of reciprocity, from customs duties and other charges for import and re-export in respect of the equipment they require for their activities.

(2) Items imported duty-free may only be sold or otherwise passed on in the receiving state after the import charges have been paid or the provisions applicable in the receiving state for the disposal of these items have been fulfilled.

10. Within the scope of the applicable legislation, the Contracting Parties shall grant the following tax relief:
 - (a) exemption from direct taxes levied on the land belonging to and used by the cultural institutions and used for the conduct of their activities, such exemption to be granted from both government (Federation and Länder) taxes and local taxes;
 - (b) exemption, on the basis of reciprocity, from direct taxes levied on the purchase or acquisition free of charge of land by the institutions referred to, such exemption to be granted from both government (Federation and Länder) taxes and local taxes;
 - (c) turnover-tax privileges for services provided by the cultural institutions of the other Contracting Party.

11. (1) The Contracting Parties shall guarantee the cultural institutions extensive freedom of action. They may communicate directly with ministries, other public institutions, local and regional authorities, societies, associations and private individuals. Within the scope of the applicable legislation and in the exercise of their responsibilities, the cultural institutions may open bank accounts and conduct banking transactions.

(2) Each Contracting Party shall allow the public unrestricted access to the cultural institutions and their events and shall guarantee their normal operation. Events organized by the cultural institutions may also be attended by persons who are not nationals of the Contracting Parties.

(3) The artistic and lecturing activities organized by the cultural institutions may also be carried out by persons who are not nationals of the Contracting Parties, provided that they meet the conditions for entry into and residence in the host country.

12. Facilities of an administrative nature may as necessary be agreed upon in a separate arrangement concluded by exchange of Notes between the Contracting Parties, with due regard for the conditions prevailing in each country.