

**Agreement between
the Government of the United States of America and
the Government of the Republic of Chile
on Environmental Cooperation**

Signed at Santiago, Chile on June 17, 2003

The Government of the United States of America and the Government of the Republic of Chile:

CONSCIOUS of the importance of cooperation to protect the environment and the conservation of natural resources,

NOTING the long and productive history of bilateral environmental cooperation between the Parties,

EMPHASIZING the importance of building capacity to protect the environment in concert with the strengthening of trade and investment relations as reflected in the US-Chile Free Trade Agreement, in particular in Article 4 of its Environment Chapter and its Annex, and in concert with other mechanisms for cooperation between their countries,

REAFFIRMING that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development and considering the necessity of augmenting institutional, professional and scientific capacity to achieve this objective for the well being of present and future generations,

BELIEVING that coordination of cooperation activities avoids duplication and ensures maximum efficacy and efficiency,

RECOGNIZING the importance of the participation of civil society to achieve these objectives, and

CONVINCED of the need for greater promotion of environmental education and awareness,

Have agreed as follows:

Article I

The Government of the United States of America and the Government of the Republic of Chile, hereinafter [the Parties,] agree to cooperate in the field of environmental protection, including natural resources. The objective of this Agreement is to establish a framework for cooperation between the Parties to promote the conservation and protection of the environment, the prevention of pollution and degradation of natural resources and ecosystems, and the rational use of natural resources, in support of sustainable development.

Article II

1. The Parties hereby establish a Joint Commission for Environmental Cooperation (the [Commission]) that is co-chaired by designated high level officials of the Department of State of the United States and the Ministry of Foreign Affairs of Chile. The Chair from each Party shall designate up to five representatives from its government agencies to serve on the Commission, as appropriate. Each Party shall identify a point of contact for administrative purposes related to work of the Commission.

2. The Commission shall be responsible for
 - a) establishing and developing programs of work resulting from this Agreement as described in Article III below;
 - b) examining and evaluating the cooperative activities under this Agreement;
 - c) making recommendations to the Parties on ways to improve cooperation under this Agreement; and
 - d) undertaking other activities as the Parties agree.
3. The Commission shall meet at least every two years, alternately in the United States and Chile. In the intervals between sessions of the Commission, representatives of the Parties may meet to analyze and promote the implementation of this Agreement and to exchange information on the progress of cooperative programs, projects and activities.
4. Unless otherwise agreed, each Party shall assume the costs of its participation on the Commission and its work.

Article III

1. The work programs shall reflect national priorities for cooperative activities as agreed upon by the Parties. In developing and implementing the work programs, the Commission shall take into account the views and recommendations of the appropriate government agencies in each country as well as the Environment Affairs Council established by the United States Chile Free Trade Agreement, and, where relevant to environmental issues, the Joint Committee established by the Basic Agreement Relating to Scientific and Technological Cooperation Between the Government of the United States of America and the Government of the Republic of Chile done at Washington on May 14, 1992, as extended by the exchange of diplomatic notes dated May 5, 1999 and June 22, 1999.
2. The program of work shall, inter alia, include activities related to:
 - a) the collection and publication of comparable information on the Parties' environmental legislation, indicators and enforcement activities;
 - b) the exchange of information on environmental policies, laws and practices in both countries;
 - c) the exchange of information on the implementation of multilateral environmental agreements to which the United States and Chile are both parties; and
 - d) the promotion of good domestic practices leading to sustainable management of the environment.

Article IV

1. The Commission should promote the development of opportunities for public participation in cooperative projects.
2. Each Party should solicit, and take into account as appropriate, the views of its public with the respect to the work plan and should review and respond to such communications in accordance with its own domestic procedures.

Article V

The cooperation contemplated in this Agreement may include:

- a) exchange of professionals, technicians, and specialists to promote the development and implementation of environmental laws, policies and standards;
- b) organization of joint conferences, seminars, workshops, meetings, training sessions and outreach and education programs;
- c) support for joint programs and environmental technological and practical demonstrations, including projects, research studies and reports;
- d) facilitation of linkages among representatives from academia, industry, and government to promote the exchange of best practices and environmental information and data of interest to the Parties;
- e) exchange of information and consultation on national environmental programs; and
- f) such other forms of environmental cooperation as may be mutually agreed.

Article VI

The Commission shall also encourage and facilitate, as appropriate and in accordance with this Agreement, direct contacts and cooperation between government agencies, universities, research centers, institutions, firms and other entities of the Parties, and the conclusion of implementing arrangements between them for the conduct of cooperative environmental activities under this Agreement.

Article VII

1. All cooperative activities under this Agreement shall be subject to the availability of funds and human resources and to the applicable laws and regulations in each Party.
2. Arrangements for funding environmental cooperation under this Agreement may include:
 - a) cooperative activities jointly financed as agreed by the Parties;
 - b) cooperative activities in which each institution, organization, or agency will assume the costs of its own participation; and
 - c) cooperative activities financed, as appropriate, by private institutions, foundations, or public international organizations.

Article VIII

Each Party shall facilitate the entry of equipment and personnel necessary for activities related to this Agreement into its territory, subject to its laws and regulations.

Article IX

1. All technical information obtained through the implementation of this Agreement will be available to both Parties.
2. In the event that intellectual property is created, the Parties shall consult to determine the allocation of the rights to that intellectual property, taking into account the Basic Agreement Relating to Scientific and Technological Cooperation Between the Government of the United States of America and the Government of the Republic of Chile and its Annexes, referenced in Article III of this Agreement.

Article X

In the event that information deemed confidential under the laws of either Party, or identified in a timely fashion as [business-confidential,■ is furnished or created under the Agreement, each Party and its participants shall protect such information in accordance with applicable laws, regulations, and administrative practices. Information may be identified as [business-confidential■ if a person having the information may derive an economic benefit from it or may obtain a competitive advantage over those who do not have it, the information is not generally known or publicly available from other sources, and the owner has not previously made the information available without imposing in a timely manner an obligation to keep it confidential.

Article XI

1. The Agreement shall enter into force 60 days after the date of the last notification communicating the fulfillment of internal domestic requirements.
2. The Agreement shall remain in force indefinitely. The Parties may terminate the Agreement at any time through written notification. The termination will take effect six months from the date such written notification is received, and unless otherwise agreed, shall not affect the validity of any activities not fully completed at the time of termination.
3. The Agreement may be amended by written consent of the Parties. The amendments will enter into force in the same manner as set forth in paragraph 1.

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

DONE at Santiago, in duplicate, this 17th day of June, 2003 in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

Paula J. Dobriansky
Under Secretary of State for Global Affairs

FOR THE GOVERNMENT OF
THE REPUBLIC OF CHILE:

Cristian Barros
Acting Minister of Foreign Affairs