SCIENTIFIC COOPERATION

Environment

Memorandum of Understanding
Between the
UNITED STATES OF AMERICA
and CHINA

Signed at Beijing October 10, 2010

with

Annexes

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

CHINA

Scientific Cooperation: Environment

Memorandum of understanding signed
at Beijing October 10, 2010;
Entered into force October 10, 2010.
With annexes.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ENVIRONMENTAL PROTECTION AGENCY
OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF ENVIRONMENTAL PROTECTION
OF THE PEOPLE'S REPUBLIC OF CHINA
ON SCIENTIFIC AND TECHNICAL COOOPERATION
IN THE FIELD OF ENVIRONMENT

The Environmental Protection Agency of the United States of America (EPA) and the Ministry of Environmental Protection of the People's Republic of China (MEP), hereafter referred to as the "Parties," in accordance with and subject to 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 at Washington January 31, 1979, as extended and amended (the "S&T Agreement"), and in order to promote scientific and technical cooperation and collaboration in the field of environmental protection, have reached the following understandings:

Article 1

The Parties shall conduct cooperative activities under this MOU on the basis of equality, reciprocity, and mutual benefit.

Article 2

Cooperative activities undertaken pursuant to this MOU may involve the following areas:

1. Prevention and management of:
   a. air pollution;
   b. water pollution;
   c. hazardous waste; and
   d. pollution from persistent organic pollutants (POPs) and other toxic substances;
2. Environmental threats to human health and to ecosystems;
3. Environmental policy and management;
4. Environmental education and public awareness;
5. Environmental law and enforcement; and
6. Other areas as determined by the Parties.

Article 3

Cooperation under this MOU may include the following forms:

1. Transfer or exchange of scientific and technical information in the field of environmental protection;
2. Joint organization of symposia, seminars, workshops, and training;
3. Study tours, exchanges, and temporary assignments of personnel from one Party to the other;
4. Joint scientific publications;
5. Joint projects to demonstrate environmental management approaches and technologies;
6. Cooperative research on subjects of mutual interest;

7. Provision of samples, reagents, materials, data, instruments and components for testing, evaluation and other purposes; and
8. Other forms of cooperation as may be determined by the Parties.

Article 4

The Parties shall encourage and facilitate the development of direct contacts between environmental and scientific groups from each country, including through the coordination of cooperation among government agencies, research institutions, business and industry, universities, and other entities, in conducting activities under this MOU.

Article 5

1. Five Annexes to this MOU have been prepared regarding the subject and form of cooperation contemplated under the MOU:

a. Annex 1 - Air Pollution;
b. Annex 2 - Water Pollution;
c. Annex 3 - Pollution from Persistent Organic Pollutants and Other Toxics;
d. Annex 4 - Hazardous and Solid Waste; and
e. Annex 5 - Development, Implementation and Enforcement of Environmental Law.

2. The Parties shall develop additional annexes to the MOU for each of the areas of cooperation contemplated under the MOU, as appropriate. Each annex shall outline the subject and form of cooperation and shall be an integral part of the MOU. Specific cooperative activities and the terms under which they will be conducted, including financial arrangements, shall be described in separate project agreements, strategies, or work plans.

3. In the event of a conflict between the terms of an annex and this MOU, the provisions of this MOU shall prevail.

Article 6

1. The Parties hereby establish a Joint Committee on Environmental Cooperation (JCEC). The JCEC will be co-chaired at the level of EPA Administrator or Assistant Administrator for International and Tribal Affairs and at the level of Minister or Vice Minister of the MEP, or their designees.

2. All working groups established by the Parties under this MOU will be guided by the JCEC.

3. The Co-chairs, by mutual agreement, may determine the remaining composition of the JCEC, the entities that may attend or participate in JCEC meetings, and may establish additional sub-committees or working groups as determined to be necessary to effectively implement this MOU. The specific structures and responsibilities of the sub-committees or working groups, and any modifications thereto, shall be determined by the JCEC.

4. The JCEC will meet at least once every two years. Such meetings shall be held alternately in the United States of America (USA) and The People's Republic of China (PRC). Prior to each meeting of the JCEC, the Parties shall agree to a meeting agenda. The Parties will endeavor to place items on the agenda

that cover a wide range of environment-related issues such as technical exchange, informational exchange, scientific research, and environmental policy.

5. Each Party will designate a Liaison Secretary. The Liaison Secretary shall be the EPA Deputy Assistant Administrator for International and Tribal Affairs, and at the Deputy Director General level for MEP, or their designees. The Liaison Secretaries shall serve as the points of contact for their respective Parties for the JCEC and shall provide strategic coordination, advise the JCEC and supply administrative support for meetings of the JCEC.

Article 7

All activities undertaken pursuant to this MOU shall be undertaken in accordance with the applicable laws of the Parties, as well as the availability of appropriated funds, personnel, and other resources of each Party.

Article 8

The treatment of intellectual property created or furnished in the course of activities under this MOU, the allocation of rights for such intellectual property, and business-confidential information obtained and/or exchanged pursuant to this MOU, will be governed by the provisions of Annex I (Intellectual Property) of the S&T Agreement.

Article 9

Both Parties agree that no information or equipment requiring protection in the interest of national defense or foreign relations and classified in accordance with its applicable national laws and regulations shall be provided under this MOU. In the event it is subsequently discovered that information or equipment which is known or believed to require such protection is identified as having been furnished inadvertently in the course of cooperative activities pursuant to this MOU, the matter shall be brought immediately to the attention of the appropriate officials and the Parties shall consult to identify appropriate security measures to be agreed upon by the Parties, in writing, and applied to this information and equipment.

Article 10

The transfer of unclassified export-controlled information or equipment between the Parties shall be in accordance with the relevant laws and regulations of each Party. If either Party deems it necessary, detailed provisions for the prevention of unauthorized transfer or retransfer of such information or equipment shall be incorporated into the appropriate project agreements or work plans. Such information or equipment shall be marked to identify it as export-controlled, and the Parties shall consult to identify appropriate restrictions or other requirements regarding the transfer of this information or equipment.

Article 11

Upon entry into force, this MOU replaces the Protocol between the Environmental Protection Agency of the United States of America and the Office of the Environmental Protection Leading Group of the State Council of the People's Republic of China for Scientific and Technical Cooperation in the Field of Environmental Protection (the "1980 Protocol"), and established under the S&T Agreement.

Article 12

1. This MOU shall enter into force upon signature and shall remain in force for five (5) years, or for as long as the S&T Agreement remains in force, whichever is shorter. Either Party may terminate this MOU upon six months' written notification, through diplomatic channels, to the other Party. Such termination shall be without prejudice to the rights that may have accrued to either Party under Annex I to the S&T Agreement. The Parties shall consult regarding the effect of termination on the implementation of ongoing programs and activities agreed to under the MOU prior to the date on which notice of termination was given.

2. Either Party may request in writing, through diplomatic channels, to amend this MOU. Any amendment must be mutually agreed upon by the Parties in writing.

DONE at Beijing, this 10th day of October, 2010, in duplicate in the English and Chinese languages, both texts being equally authentic.

FOR THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES OF AMERICA

FOR THE MINISTRY OF ENVIRONMENTAL PROTECTION OF THE PEOPLES REPUBLIC OF CHINA

ANNEX 1

Air Pollution

Article 1
Authority

1. This annex to the Memorandum of Understanding (MOU) between the Environmental Protection Agency of the United States of America (EPA) and the Ministry of Environmental Protection of the People's Republic of China (MEP) on Scientific and Technical Cooperation in the Field of Environment sets forth a framework for scientific and technical cooperation on air pollution.

2. Under this annex, agreements related to project activities, including those pertaining to financial and other relevant issues, will be developed by participating institutions. These project agreements shall be negotiated and executed by duly authorized representatives of implementing institutions, to include the EPA and MEP, together, the "Parties".

Article 2
Scope

Project activities under this annex may include work in the following areas:

1. Management of air quality, including standard setting, monitoring, emission measurement and inventories, modeling, emissions trading, stationary and mobile source control policies and strategies, funding, inter-governmental relations, and public information programs;
2. Management of clean energy technology (transportation, residential, industrial, and commercial) that helps to reduce or eliminate pollution and greenhouse gases;
3. Management, reduction, and elimination of air toxics;
4. Management of indoor air quality;
5. Compliance with and enforcement of air pollution and clean energy technology policies and standards; and
6. Other areas as determined by the Parties.

Article 3
Forms of Cooperation

Cooperation under this annex may include the following forms:
1. Transfer or exchange of scientific and technical information in the field of environmental protection;
2. Joint organization of symposia, seminars, workshops and training;
3. Study tours, exchanges, and temporary assignments of personnel from one Party to the other;
4. Joint scientific publications;
5. Joint projects to demonstrate environmental management approaches and technologies;
6. Cooperative research on subjects of mutual interest;
7. Provision of samples, reagents, materials, data, instruments and components for testing, evaluation and other purposes; and
8. Other forms of cooperation as may be determined by the Parties.

Article 4
Project Plans

Specific cooperative activities and the terms under which they will be conducted, including financial arrangements, shall be described in project agreements, strategies, and work plans.

Article 5
Designation of Management Officials

1. Management Officials administering activities under this annex will work with participating institutions to facilitate implementation of project agreements, strategies, and work plans.

2. The Management Officials for the United States shall be the Deputy Assistant Administrator for the EPA Office of Air and Radiation and the Deputy Assistant Administrator for the EPA Office of International and Tribal Affairs.

3. The Management Official for China is the Deputy Director General for Air and Noise Pollution Control for the MEP Department of Pollution Prevention and Control.

4. Each Party may designate a replacement Management Official at any time upon written notice to the other Party.

ANNEX 2

Water Pollution

Article 1
Authority

1. This annex to the Memorandum of Understanding (MOU) between the Environmental Protection Agency of the United States of America (EPA) and the Ministry of Environmental Protection of the People's Republic of China (MEP) on Scientific and Technical Cooperation in the Field of Environment sets forth a framework for scientific and technical cooperation on water pollution.

2. Under this annex, agreements related to project activities, including those pertaining to financial and other relevant issues, will be developed by the participating institutions. These project agreements will be negotiated and executed by duly authorized representatives of implementing institutions, to include the EPA and MEP, together, the "Parties".

Article 2
Scope

Project activities under this annex may include work in the following areas:
1. Drinking water quality;
2. Water quality surveillance and control;
3. Sanitation and wastewater management;
4. Watershed management, including source water and wetlands protection;
5. Water resources conservation and pollution prevention;
6. Compliance with water quality policies and standards; and
7. Other areas as determined by the Parties.

Article 3
Forms of Cooperation

Cooperation under this annex may include the following forms:
1. Transfer or exchange of scientific and technical information in the field of environmental protection;
2. Joint organization of symposia, seminars, workshops and training;
3. Study tours, exchanges, and temporary assignments of personnel from one Party to the other;
4. Joint scientific publications;
5. Joint projects to demonstrate environmental management approaches and technologies;
6. Cooperative research on subjects of mutual interest;
7. Provision of samples, reagents, materials, data, instruments and components for testing, evaluation and other purposes; and
8. Other forms of cooperation as may be determined by the Parties.

Article 4
Project Plans

Specific cooperative activities and the terms under which they will be conducted, including financial arrangements, shall be described in project agreements, strategies, and work plans.

Article 5
Designation of Management Officials

1. Management Officials administering activities under this annex will work with participating institutions to facilitate implementation of project agreements, strategies, and work plans.

2. The Management Officials for the United States are the EPA Deputy Assistant Administrator for the EPA Office of Water and the Deputy Assistant Administrator for the Office of International and Tribal Affairs.

3. The Management Official for China is the Deputy Director General for Water Pollution Control for the MEP Department of Pollution Prevention and Control.

4. Each Party may designate a replacement Management Official at any time upon written notice to the other Party.

ANNEX 3

Pollution from Persistent Organic Pollutants and Other Toxic Substances

Article 1
Authority

1. This annex to the Memorandum of Understanding (MOU) between the Environmental Protection Agency of the United States of America (EPA) and the Ministry of Environmental Protection of the People's Republic of China (MEP) on Scientific and Technical Cooperation in the Field of Environment sets forth a framework for scientific and technical cooperation on pollution from toxic substances.

2. Under this annex, agreements related to project activities, including those pertaining to financial and other relevant issues, will be developed by the participating institutions. These project agreements will be negotiated and executed by duly authorized representatives of implementing institutions, to include the EPA and MEP, together, the "Parties".

Article 2
Scope

Project activities under this annex may include work in the following areas:
1. Implementation of the Stockholm Convention on Persistent Organic Pollutants (POPs);
2. Managing Persistent, Bioaccumulative and Toxic chemicals
   a. Pollution from pesticides (e.g., Chlordane and Mirex);
   b. Pollution from unintentional POPs (e.g., dioxin and furans);
   c. Mercury; and
   d. Polychlorinated Biphenyls (PCBs); and
3. Other areas as determined by the Parties.

Article 3
Forms of Cooperation

Cooperation under this annex may include the following forms:
1. Transfer or exchange of scientific and technical information in the field of environmental protection;
2. Joint organization of symposia, seminars, workshops and training;
3. Study tours, exchanges, and temporary assignments of personnel from one Party to the other;
4. Joint scientific publications;
5. Joint projects to demonstrate environmental management approaches and technologies;
6. Cooperative research on subjects of mutual interest;
7. Provision of samples, reagents, materials, data, instruments and components for testing, evaluation and other purposes; and
8. Other forms of cooperation as may be determined by the Parties.

Article 4
Project Plans

Specific cooperative activities and the terms under which they will be conducted, including financial arrangements, shall be described in project agreements, strategies, and work plans.

Article 5
Designation of Management Officials

1. Management Officials administering activities under this annex will work with participating institutions to facilitate implementation of project agreements, strategies, and work plans.

2. The Management Officials for the United States are the Deputy Assistant Administrator for the EPA Office of Chemical Safety and Pollution Prevention and the Deputy Assistant Administrator for International and Tribal Affairs.

3. The Management Official for China is the Deputy Director General for Solid Wastes and Toxic Chemicals Management for the MEP Department of Pollution Prevention and Control.

4. Each Party may designate a replacement Management Official at any time upon written notice to the other Party.

ANNEX 4

Hazardous and Solid Waste

Article 1
Authority

1. This annex to the Memorandum of Understanding (MOU) between the Environmental Protection Agency of the United States of America (EPA) and the Ministry of Environmental Protection of the People's Republic of China (MEP) on Scientific and Technical Cooperation in the Field of Environment sets forth a framework for scientific and technical cooperation on hazardous waste.

2. Under this annex, agreements related to project activities, including those pertaining to financial and other relevant issues, will be developed by the participating institutions. These project agreements will be negotiated and executed by duly authorized representatives of implementing institutions, to include the EPA and MEP, together, the "Parties".

Article 2
Scope

Project activities under this annex may include work in the following areas:

1. Prevention, minimization, and recycling of hazardous and solid waste pollution from entering into the environment and thereby reduce the impact to the human health and ecosystems;
2. Management of treatment, transportation, storage, and disposal of hazardous and solid waste by strengthening, implementing and enforcing sound regulations and policies;
3. Remediation of hazardous waste contamination by developing a comprehensive understanding of the nature of the contamination, the impacts to the human health and ecosystems, and employing sound technologies to eliminate or reduce the contamination thus protecting human health and the environment;
4. Emergency response to hazardous materials incidents by building response capacities, by providing training, and developing protocols that establish the responsibilities of various levels of the government; and
5. Other areas as determined by the Parties.

Article 3
Forms of Cooperation

Cooperation under this annex may include the following forms:

1. Transfer or exchange of scientific and technical information in the field of environmental protection;
2. Joint organization of symposia, seminars, workshops and training;
3. Study tours, exchanges, and temporary assignments of personnel from one Party to the other;
4. Joint scientific publications;
5. Joint projects to demonstrate environmental management approaches and technologies;
6. Cooperative research on subjects of mutual interest;

7. Provision of samples, reagents, materials, data, instruments and components for testing, evaluation and other purposes; and
8. Other forms of cooperation as may be determined by the Parties.

Article 4
Project Plans

Specific cooperative activities and the terms under which they will be conducted, including financial arrangements, shall be described in project agreements, strategies, and work plans.

Article 5
Designation of Management Officials

1. Management Officials administering activities under this annex will work with participating institutions to facilitate implementation of project agreements, strategies, and work plans.

2. The Management Officials for the United States are the Director for the EPA, Region 9, Superfund Division and the Deputy Assistant Administrator for International and Tribal Affairs.

3. The Management Official for China is the Deputy Director General for Hazardous and Solid Wastes Management for the MEP Department of Pollution Prevention and Control.

4. Each Party may designate a replacement Management Official at any time upon written notice to the other Party.

ANNEX 5

Development, Implementation and Enforcement of Environmental Law

Article 1
Authority

This annex to the Memorandum of Understanding (MOU) between the Environmental Protection Agency of the United States of America (EPA) and the Ministry of Environmental Protection of the People's Republic of China (MEP) on Scientific and Technical Cooperation in the Field of Environment sets forth a framework for cooperation to strengthen the development, implementation and enforcement of environmental laws.

Article 2
Scope

This annex addresses issues in the development, implementation and enforcement of environmental law that often cut across different environmental media. These issues include, for example, development of environmental laws and administrative procedures; mechanisms for public involvement and access to environmental information; enhancing rulemaking and permit writing; monitoring and promoting compliance; enforcement and imposing penalties to deter noncompliance; development and review of environmental impact assessments and strategic environmental assessments; clarifying intergovernmental authorities and relationships; strengthening of institutional accountability and performance measurement; information management; and tools for resolving environmental disputes.

Article 3
Forms of Cooperation

Cooperation under this Annex may include the following forms:

1. Transfer or exchange of information relevant to environmental law development, implementation and enforcement;
2. Joint organization of symposia, seminars and workshops for a range of audiences both within and outside government;
3. Training on environmental law development and enforcement, environmental management and information management technologies;
4. Study tours, exchanges, and temporary assignments of personnel of the Parties;
5. Joint publications;
6. Joint projects to demonstrate, test, or evaluate environmental management, environmental law enforcement, emergency response and information management approaches;
7. Cooperative research on subjects of mutual interest; and
8. Other forms of cooperation as may be determined by the Parties.

Article 4
Project Plans and Activities

The Parties intend to jointly develop any necessary financial arrangements, project agreements, strategies, and work plans setting out any specific cooperative activities jointly decided upon.

Project activities under this annex are designed to complement, not duplicate, cooperation under Annexes 1-4 that focus on specific programs or media (i.e., air, water, toxic chemicals and hazardous waste). Any program or media specific work will be carried out either under the auspices of the program-specific Annex or in close collaboration with those involved in work under the program specific Annex, whichever is most appropriate. For example, project planning for activities related to emergency response shall be addressed in conjunction with project planning for Annex 4.

Project activities under this annex may include work in the following areas:

1. Improving the scope and substance of environmental laws and systems for managing and implementing environmental programs created by those laws;
2. Ensuring the enforceability of environmental laws, regulations, permits and other environmental management instruments;
3. Improving environmental compliance assurance and enforcement procedures, policies, and practices, including roles for the public and enterprises;
4. Strengthening the environmental impact assessment and review processes for plans, policies and projects, including decision-making processes, public participation, and post project monitoring and enforcement;
5. Establishing and strengthening capacity building programs and institutions designed to reach practitioners at all levels of government in the development, implementation and enforcement of environmental laws;
6. Exploring approaches for effective environmental institutions, management approaches and intergovernmental relationships (among and between national and sub-national levels of government) for the development, implementation and enforcement of environmental laws and policies, including organizational structures, institutional design, management oversight and accountability systems with performance measures to ensure programs are implemented for environmental results;
7. Assessing the effectiveness of the environmental department in law enforcement and launching programs to enhance the department's capacity;
8. Establishing and improving regulations and policies concerning emergency response for environmental pollution accidents;
9. Building capacity for Regional Supervision Centers including but not limited to oversight of implementation and enforcement of environmental requirements in cooperation with other levels of government, emergency response for pollution accidents, inter-provincial and inter-regional environmental planning, coordination, and dispute resolution;
10. Evaluating penalty provisions in the environmental laws and regulations, and the effectiveness of their enforcement;
11. Improving the functions between environmental agencies and the judicial authorities, exchanging experiences on judicial proceedings, including prosecution for environmental interests, and fosters the judicial authorities' involvement in the implementation of environmental laws;
12. Fostering access by the public to environmental information, public participation in the environmental decision-making process, and improving procedural arrangements for public participation in implementation and enforcement of environmental laws;
13. Collaborating on the environmental law and enforcement dimensions of trade and investment liberalization; and
14. Other areas as may be determined by the Parties.

Article 5
Designation of Management Officials

1. Management Officials administering activities under this Annex will work with participating institutions to facilitate implementation of project agreements, strategies, and work plans.

2. The Management Officials for the United States shall be the Deputy Assistant Administrator for the Office of Enforcement and Compliance Assurance and the Deputy Assistant Administrator for the EPA Office of International and Tribal Affairs.

3. The Management Official(s) for China will be the Director General for the MEP Bureau of Environmental Supervision.

4. Each Party may designate a replacement Management Official(s) at any time upon written notice to the other Party.

美利坚合众国环境保护局和中华人民共和国环境保护部

环境领域科学技术合作谅解备忘录

美利坚合众国环境保护局和中华人民共和国环境保护部，以下称“双方”，根据和遵循1979年1月31日在华盛顿签署的，并历经延期和修订的《美利坚合众国政府和中华人民共和国政府科学技术合作协定》，(以下简称《科技协定》)，为加强在环境保护领域的科学技术合作，达成以下谅解：

第一条

双方应在平等与互惠互利的基础上，在本备忘录的框架下开展合作活动。

第二条

根据本备忘录开展的合作活动包括以下领域：

1. 预防与管理：

(1)空气污染；

(2)水污染；

(3)危险废物；

(4)持久性有机污染物和其它有毒物质污染；

2. 对人类健康及生态系统的环境威胁；

3. 环境政策和管理；

4. 环境教育与公众环境意识；

5. 环境法律及执行；

6. 双方决定的其他领域。

第三条

本备忘录下的合作包括以下形式：

1. 交流或交换环保领域的科学技术信息；

2. 联合组织学术会议、讨论会、专题研讨会和培训；

3. 学习考察，交流和双方人员的短期交换；

4. 联合出版科学读物；

5. 开展合作项目示范环境管理方法和技术；

6. 对共同感兴趣的课题开展合作研究；

7. 提供用于测试、评估和其他目的的样品、试剂、原料、数据、仪器和部件；

8. 双方决定的其它形式的合作。

第四条

双方将在本备忘录下，对两国环境及科学团体，包括政府部门、研究机构、工商企业、大学和其它单位发展直接合作，予以鼓励和提供方便。

第五条

1. 根据本备忘录的合作主题和形式准备了以下五个附件：

(1)附件 1-空气污染；

(2)附件 2-水污染；

(3)附件 3-持久性有机污染物及其它有毒物质污染；

(4)附件 4-危险和固体废弃物；

(5)附件 5-环保法律的制定、实施与执行。

2. 双方会在适当时机对本备忘录下其它主要合作领域制定附件。附件将说明合作主题和形式，并作为备忘录不可分割的一部分。今后确定的具体合作活动及其条款，包括经费安排应在项目协议、战略或工作计划中列出。

3. 如果本备忘录与附件条款发生冲突，以备忘录条款为准。

第六条

1. 双方将为此建立环境合作联合委员会(以下简称联委会)。美利坚合众国环境保护局局长或负责国际和部落事务的助理局长级别官员和中华人民共和国环境保护部部长或副部长级别官员或他们指定的代表作为联委会的联合主席。

2. 由双方在本备忘录下建立的所有工作小组将受联委会的指导。

3. 联合主席经协商可以决定联委会的其他成员及可能参加会议的单位。当认为对有效执行本备忘录有必要时，也可建立另外的子委员会或工作组。子委员会或工作组的具体结构与职责以及此外的任何更改应由联委会决定。

4. 联委会至少每两年举行一次会议。会议将在美利坚合众国(美

国)和中华人民共和国(中国)轮流举行。在每次联委会会议前，双方应对会议议程达成一致。双方将努力将诸如技术交流、信息交流、科学研究和环境政策等广泛涉及环境的相关问题列入议程。

5. 各方将任命一名联络秘书。联络秘书由美国环境保护局负责国际和部落事务的副助理局长级别官员和中国环境保护部副司长级别官员或他们指定的代表担任。联络秘书应为联委会的联系交流提供服务，并为联委会会议提供战略协作、建议和行政支持。

第七条

依据本备忘录所开展的所有活动应遵守各方适用的法律，并视所能获得的适当的经费和人力以及其他资源而定。

第八条

在本备忘录下的活动过程中出现的知识产权的处理，知识产权权利的分配，商业保密信息的获取与交流应遵守《科技协定》附件一《知识产权》的规定。

第九条

双方同意，依照本备忘录，各方不得向对方提供因国防或对外关系利益而受到保护的、以及被各方的国家法律法规定为机密的信息和设备。依照本备忘录，在合作过程中，如果随后发现无意中使用的信息或设备需要保护，应立即通知各方有关官员，双方将以书面形式协商确定该信息和设备的有关安全措施；在双方认为合适的条件下，修正本备忘录，将新的安全措施条款加入本备忘录。

第十条

双方间转让非保密但受出口限制的信息或设备，将根据各方的法律法规进行。如果任一方认为有必要，有关的项目协议或工作计划中将列入预防性条款，以防止对此类信息和设备的未经授权的转让或再转让。应当对此类信息或设备予以标识，以确认其受出口限制，双方应当进行磋商，确定有关转让此类信息或设备的适当限制或其它要求。

第十一条

一经生效,本备忘录即取代《科技协定》下签署的《美利坚合众国环境保护局与中华人民共和国国务院环境保护领导小组办公室环境保护科学技术合作议定书》（1980 年议定书）。

第十二条

1. 本备忘录自签字之日起生效，有效期五年，或者与《科技协定》有效期相同，以有效期短的为准。任意一方可提前 6 个月以书面形式通过外交渠道通知对方终止本备忘录。备忘录的终止并不损害各方在《科技协定》附件一下的权利。双方应在发出终止通知前就本备忘录下所进行的活动和项目的终止产生的影响进行协商。

2. 双方可根据需要以书面形式，通过外交渠道修正或修改本备忘录。任何修正或修改必须得到双方书面一致同意。

本备忘录于2010年10月10日在北京签署，一式两份，每份均用英文和中文写成，两种文本同等有效。

美利坚合众国环境保护局　　中华人民共和国环境保护部

附件一

空气污染

第一条

权限

1. 美利坚合众国环境保护局（以下简称美国环保局）与中华人民共和国环境保护部（以下简称中国环保部）环境领域科学技术合作谅解备忘录（以下简称备忘录）的附件旨在建立空气污染科学技术合作框架。

2. 在本附件框架下，参加单位应就项目活动包括经费和其他相关事项达成协议。这些项目协议将由部美国环保局和中国环保正式授权的实施机构的代表进行磋商和执行。

第二条

范围

本附件下的项目活动包括以下领域工作：

1. 空气质量管理，包括标准制定、监测、排放测量和清单、模型、排放交易、固定及移动污染源控制政策和战略、资金、政府间关系和公共信息项目；

2. 管理有助于减少或消除污染和温室气体的清洁能源技术（运输、居住区、工业和商业）；

3. 管理、减少和消除空气中有毒物质；

4. 室内空气质量管理；

5. 遵守和执行空气污染和清洁能源技术政策和标准；

6. 双方决定的其他领域。

第三条

合作形式

本附件下的合作包括以下形式：

1. 交流或交换环保领域的科学技术情报；

2. 联合组织学术会议、讨论会、专题研讨会和培训；

3. 学习考察，交流和双方人员的短期交换；

4. 联合出版科学读物；

5. 开展合作项目示范环境管理方法和技术；

6. 对双方感兴趣的课题进行研究；

7. 提供用于测试、鉴定和其他目的的样品、试剂、原料、数据、仪器和部件；

8. 双方决定的其它合作形式。

第四条

项目计划

具体合作活动及其条款，包括经费安排应在项目协议、战略和工作计划中列出。

第五条

管理官员选派

1. 本附件下的管理官员将与参与机构共同工作，为项目协议、

战略和工作计划的执行提供方便。

2. 美方管理官员为美国环保局空气和辐射办公室副助理局长和美利坚合众国环境保护局国际和部落事务办公室副助理局长。

3. 中方管理官员为中国环保部污染防治司主管空气和噪音污染的副司长。

4. 各方可以随时任命一名替代管理官员，并以书面形式通知另一方。

附件二

水污染

第一条

权限

1. 美利坚合众国环境保护局（以下简称美国环保局）与中华人民共和国环境保护部（以下简称中国环保部）环境科学技术合作谅解备忘录（以下简称备忘录）的附件旨在建立水污染科学技术合作框架。

2. 在本附件框架下，参加单位应就项目活动包括经费和其他相关事项达成协议。这些协议将由美国环保局和中国环保部正式任命的代表进行磋商和执行。

第二条

范围

本附件下的项目活动包括以下领域工作：

1. 饮用水质量；
2. 水质量监督和控制；
3. 卫生设施和废水管理；
4. 水流域管理，包括水源及湿地保护；
5. 水资源保护和污染预防；
6. 遵守水质量政策和标准；

7. 双方决定的其它领域。

第三条

合作形式

本附件下的合作包括以下形式：

1. 交流或交换环保领域的科学技术情报；

2. 联合组织学术会议、讨论会、专题研讨会和培训；

3. 学习考察，交流和双方人员的短期交换；

4. 联合出版科学读物；

5. 开展合作项目示范环境管理方法和技术；

6. 对双方感兴趣的课题进行研究；

7. 提供用于测试、鉴定和其他目的的样品、试剂、原料、仪器和部件；

8. 双方决定的其它合作形式。

第四条

项目计划

具体合作活动及其条款，包括经费安排应在项目协议、战略和工作计划中列出。

第五条

管理官员选派

1. 本附件下的管理官员将与参与机构共同工作，为项目协议、战略和工作计划的执行提供方便。

2. 美方管理官员为美国环保局国际和部落事务办公室副助理局

长和水办公室副助理局长。

3. 中方管理官员为中国环保部污染防治司主管水污染控制的副司长。

4. 各方可以随时任命一名替代管理官员，并以书面形式通知另一方。

附件三

持久性有机污染物和其它有毒物质污染

第一条

权限

1. 美利坚合众国环境保护局(以下简称美国环保局)与中华人民共和国环境保护部(中国环保部)环境保护科学技术合作谅解备忘录的附件旨在建立有毒物质污染科学技术合作框架。

2. 在本附件框架下，参加单位应就项目活动包括经费和其他相关事项达成协议。这些协议将由美国环保局和中国环保部正式任命的代表进行磋商和执行。

第二条

范围

本附件下的项目活动包括以下领域工作：

1. 履行持久性有机污染物斯德哥尔摩公约；

2. 管理持久性、生物聚集性和有毒化学品：

(1)杀虫剂污染(例如强力杀虫剂和灭蚁灵)；

(2)非故意持久性有机污染物污染(例如氯丹和呋喃)；

(3)汞；

(4)多氯联苯；

3. 双方决定的其它领域。

第三条

合作形式

本附件下的合作包括以下形式：

1. 交流或交换环保领域的科学技术情报;

2. 联合组织学术会议、讨论会、专题研讨会和培训;

3. 学习考察，交流和双方人员的短期交换;

4. 联合出版科学读物;

5. 开展合作项目示范环境管理方法和技术;

6. 对双方感兴趣的课题进行研究;

7. 提供用于测试、鉴定和其他目的的样品、试剂、原料、数据、仪器和部件;

8. 双方决定的其它合作形式。

第四条

项目计划

具体合作活动及其条款，包括经费安排应在项目协议、计划和工作计划中列出。

第五条

管理官员选派

1. 本附件下的管理官员的行政活动将与参与机构共同工作，为项目协议、战略和工作计划的执行提供方便。

2. 美方管理官员为美国环保局国际和部落事务办公室副助理局长和化学品安全和污染防治办公室副助理局长。

3. 中方管理官员为中国环保部污染防治司主管固体废物及有毒化学品管理的副司长。

4. 各方可以随时任命一名替代管理官员，并以书面形式通知另一方。

附件四

危险和固体废弃物

第一条

权限

1. 美利坚合众国环境保护局(以下简称“美国环保局”)和中华人民共和国环境保护部(以下简称“中国环保部”)环境领域科学技术合作谅解备忘录的附件旨在建立危险废弃物科学技术合作框架。

2. 在本附件框架下，参加单位应就项目活动包括经费和其它相关事项达成协议。这些协议将由美国环保局和中国环保部正式任命的代表进行磋商和执行。

第二条

范围

本附件下的项目活动包括以下领域工作：

1. 进行危险和固体废弃物的减量化和回收利用，防止其进入环境，从而减少对人类健康和生态系统的影响。

2. 通过加强、实施和执行合理的规定与政策，对危险和固体废弃物的处理、运输、储存及处置进行管理。

3. 通过全面认识污染的本质以及对人类健康和生态系统的影响，利用良好的技术消除和减少污染，修复危险废弃物的污染，

以此保护人类健康与环境。

4. 通过应急反应的能力建设、培训以及制定确立各级政府责任的规程，从而对涉及危险物质的事故采取应急反应。

5. 双方决定的其它领域。

第三条

合作形式

本附件下的合作包括以下形式：

1. 转让或交流环保领域的科学技术情报；

2. 联合组织学术会议、讨论会、专题研讨会和培训；

3. 学习考察、交流和双方人员的短期交换；

4. 联合出版科学读物；

5. 开展合作项目示范环境管理方法和技术；

6. 对双方感兴趣的课题进行合作研究；

7. 提供用于测试、鉴定和其它目的的样品、试剂、原料、数据、仪器和部件；

8. 双方决定的其它合作形式。

第四条

项目计划

具体活动及其条款，包括经费安排应在项目协议、战略和工作计划中列出。

第五条

管理官员选派

1. 管理本附件下各种活动的管理官员将与各参与机构共同工作，为项目协议、战略和工作计划的执行提供方便。

2. 美方管理官员为美国环保局国际和部落事务办公室副助理局长和第九区域办公室超级基金主任。

3. 中方管理官员为中国环保部污染防治司主管危险和固体废弃物管理的副司长。

4. 各方可以随时任命一名替代管理官员，并以书面形式通知另一方。

附件五

环保法律的制定、实施与执行

第一条

权限

美利坚合众国环境保护局(以下简称“美国环保局”)与中华人民共和国环境保护部(以下简称“中国环保部”)环境领域科学技术合作谅解备忘录的附件旨在建立加强环保法律制定、实施与执行领域合作框架。

第二条

范围

本附件旨在解决环境法律的制定、实施与执行过程中的相关问题。这些问题常跨越多个环境领域，如环境法律起草及行政程序制定；公众参与及环境信息公开机制；规则制定及许可审批；环境监察与促进环境守法；加强环境执法及惩戒违法行为；环境影响评价和战略环评的开展与审核；确定跨部门职能及部门间关系；加强机构问责制和考核制建设；信息管理；环境纠纷解决办法等。

第三条

合作形式

本附件下的合作包括：

1. 交流与交换有关制定、实施和执行环保法律的信息；

2. 联合组织面向政府内外各界人士的座谈会、专题讨论会、研讨会；

3. 环境立法和执法、环境管理、信息管理技术等领域的培训；

4. 学习考察、交流和双方人员的短期交换；

5. 联合出版读物；

6. 示范、试验或评估环境管理、环境执法、环境应急及信息管理等方面的合作项目；

7. 就双方感兴趣的课题开展合作研究；

8. 双方决定的其它合作形式。

第四条

项目计划及活动

针对双方决定的具体合作活动，双方共同制定必要的经费安排、项目协议、战略及工作计划。

本附件下的项目活动应是附件一至附件四(即空气污染附件、水污染附件、持久性有机污染物和其他有毒物质污染附件和危险和固体废弃物附件)下活动的补充而非重复。任何项目或特定领域的工作应该在相应附件的指导监督下进行，或在合适的情况下与其他相关附件下的活动相协调。如与环境应急相关的项目计划应与附件四的项目计划相协调。

本附件下的项目活动可包括以下领域：

1. 改进环境法律及系统的范围和内容，更好管理和执行根据该法律开展的环境项目；

2. 确保环保法律法规、许可证及其他环境管理工具的可执行性；

3. 增强环境守法，保证执法程序、政策及实践，保证公众和企业环境守法的程序与途径；

4. 加强对规划、政策和项目的环境影响评价和审核程序，包括决策过程、公共参与和项目的后续监督与执行；

5. 建立并加强面向各级政府从事制定、实施与执行环保法律的机构及人员的能力建设项目；

6. 为制定、实施与执行环保法律政策而探索制定高效环保制度、管理方法和政府间关系(国家政府之间、地方政府之间及相互间的关系)，包括组织机构、体制设计、管理监督和为确保项目取得环保成效而采取考核制度；

7. 评估政府环保部门环境执法现状并建立提高环境执法效力的项目；

8. 建立和完善环境污染事故应急处理的法规和政策；

9. 加强环保督察中心的能力建设，相关活动包括但不局限于以下领域：与各级政府合作监督环境要求的实施与执行情况；环境污染突发事故应急处理；跨省、跨地区环境规划；协调工作及争端解决等；

10. 评估环境法规中关于环境违法的处罚规定及其执行效果；

11. 完善环保部门与司法机关相互配合的机制，交流环境公益诉讼等环境诉讼程序方面的经验，促进司法机关更多地介入环境法律的实施；

12. 确保公众获取环保信息并参与环境决策过程，完善公众参与实施与执行环境法律的程序；

13. 就贸易与投资自由化中的环保法律及其执行开展合作；

14. 双方决定的其它领域。

第五条

管理官员选派

1. 管理本附件下各种活动的管理官员将与各参与机构共同工作，为项目协议、战略和工作计划的执行提供方便。

2. 美方管理官员为美国环保局国际和部落事务办公室副助理局长和执法守法保障办公室副助理局长。

3. 中方管理官员为中国环保部环境监察局局长。

4. 各方可以随时任命一名替代管理官员，并以书面形式通知另一方。