

COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE PEOPLE'S REPUBLIC OF BANGLADESH ON PARTNERSHIP AND DEVELOPMENT

THE EUROPEAN COMMUNITY of the one part,

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH of the other part,

CONSIDERING the excellent relations and links of friendship and cooperation between the European Community, hereinafter referred to as the Community', and the People's Republic of Bangladesh, hereinafter referred to as Bangladesh,

RECOGNISING the importance of further strengthening the links and enhancing the relations between the Community and Bangladesh,

REAFFIRMING the importance the Community and Bangladesh attach to the principles of the United Nations Charter, to the Universal Declaration on Human Rights, to the 1993 Declaration of Vienna and the Programme of Action of the World Conference on Human Rights, to the 1995 Copenhagen Declaration on Social Development and programme of action, and to the 1995 Beijing Declaration and platform of action for the 4th World Conference on Women,

HAVING REGARD to the foundations for close cooperation between the Community and Bangladesh laid by the Agreement between the Community and Bangladesh signed on 16 November 1976,

NOTING with satisfaction the achievements resulting from that Agreement,

INSPIRED by their common will to consolidate, deepen and diversify their relations in areas of mutual interest on the basis of equality, non-discrimination and mutual benefit and reciprocity,

ACKNOWLEDGING the great importance of social development which should go hand in hand with economic development, taking into account the current least developed status of Bangladesh,

RECOGNISING the need to support the development of the people of Bangladesh, and particularly of the poor and disadvantaged sections of the population, with special emphasis on women,

CONSIDERING the importance attached by the Community and Bangladesh to the promotion of balanced demographic growth, to the eradication of poverty, to the protection of the environment and to the sustainable use of natural resources, and recognising the link between the environment and development,

DESIROUS of creating favourable conditions for a substantial development and diversification of trade between the Community and Bangladesh,

TAKING INTO ACCOUNT their commitment to conduct trade in accordance with the Agreement establishing the World Trade Organisation (WTO), including the Conclusions of the WTO Singapore Ministerial Conference of December 1996,

HAVING REGARD to the need to create favourable conditions for direct investment and economic cooperation between the Parties,

NOTING their common interest in fostering and strengthening regional cooperation and the North-South dialogue,

BELIEVING that relations between them have developed beyond the scope of the Agreement concluded in 1976,

HAVE DECIDED, as Contracting Parties, hereinafter referred to as the Parties, to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE EUROPEAN COMMUNITY:

Jaime GAMA

Minister for Foreign Affairs of the Portuguese Republic,

President-in-Office of the Council of the European Union,

Christopher PATTEN

Member of the Commission of the European Communities,

THE GOVERNMENT OF BANGLADESH:

Md. Abdul JALIL Minister for Commerce,

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1. Basis

Respect for human rights and democratic principles as laid down in the Universal Declaration on Human Rights underpins the domestic and international policies of the Parties, and constitutes an essential element of this Agreement.

Article 2. Objectives

The principal objectives of this Agreement are to enhance and develop the various aspects of cooperation between the Parties in the areas which fall within the bounds of their respective competences, with the following aims:

1. to support the sustainable economic and social development of Bangladesh and particularly of the poorest sections of its population, with special emphasis on women, taking into account its current least developed country status;
2. to secure the conditions for and to promote the increase and development of two-way trade between the Parties in accordance with the Agreement establishing the World Trade Organisation (WTO) and to assist Bangladesh in diversifying its productive potential;
3. to promote investment and economic, technical and cultural links in their mutual interest;
4. to pursue equilibrium between policies for sustainable economic growth, social development and protection and conservation of the natural environment.

Article 3. Development Cooperation

1. The Parties recognise that there is a potential for an increased Community contribution, both in terms of size and impact, to the development efforts of Bangladesh, more particularly in the strategic fields of poverty alleviation. Activities undertaken in these areas shall, where appropriate, put special emphasis on women.

In light of the above and in accordance with Community policies, regulations and the limits of financial means available for cooperation, the Parties agree that cooperation will continue to be developed within the context of a clear cooperation strategy and dialogue aimed at defining mutually agreed priorities, and pursuing effectiveness and sustainability.

2. The Parties acknowledge the need for enhanced attention to and cooperation in the fields of drug control and AIDS, taking into account work done in this connection by international bodies. In particular, cooperation between the Parties will include the following:

- (a) prevention, monitoring and reduction of AIDS through supporting information and educational activities;
- (b) strengthening of health services and treatment capabilities in respect of victims of AIDS;
- (c) training, education, health promotion and rehabilitation of drug addicts, including projects for the reintegration of addicts into work and the social environment;
- (d) exchange of all relevant information, ensuring that personal data are suitably protected.

3. The Parties will ensure that actions undertaken within the framework of development cooperation are compatible with the development strategies implemented under the auspices of the Bretton Woods Institutions.

Article 4. Trade and Commercial Cooperation

1. Within the bounds of their respective competences the Parties are committed to conduct trade in accordance with the Agreement establishing the WTO.

2. Each Party agrees to inform the other Party of the initiation of anti-dumping procedures against products of the other Party.

In full compliance with the WTO Agreements on anti-dumping and anti-subsidy measures, the Parties shall afford sympathetic consideration to, and shall afford adequate opportunity for consultation regarding representations made by either Party with respect to anti-dumping procedures and anti-subsidy procedures.

3. The Parties also undertake to promote, within the framework of their current legislation, the expansion and diversification of trade between them. The objective of cooperation in this field is to develop and diversify two-way trade by seeking ways and means to improve market access.

4. The Parties shall seek:

(a) to work towards the elimination of barriers to trade and implement measures to improve transparency, in particular through the timely removal of non-tariff barriers in accordance with work done in this connection by WTO and other international bodies;

(b) within the limits of their respective competences, to improve cooperation in customs matters between the respective authorities, especially in professional training, the simplification and harmonisation of customs procedures and the prevention, investigation and penalisation of customs offences;

(c) to pursue the consideration of transit/re-export matters;

(d) to exchange information about mutually beneficial market opportunities, statistical cooperation and competition matters;

(e) to ensure suitable protection of personal data.

5. (a) Bangladesh confirms it will take all necessary measures

To improve the conditions for adequate and effective protection and enforcement of intellectual, industrial and commercial property rights.

(b) Without prejudice to its commitments under the trade-related aspects of intellectual property rights (TRIPs) agreement, Bangladesh shall accede to the relevant international conventions on intellectual, industrial and commercial property referred to in Paragraph 1 of Annex II not later than 1 January 2006. The Joint Commission may decide, upon duly motivated request by either Party, to modify this period.

(c) Moreover, Bangladesh shall endeavour to accede to the relevant international conventions on intellectual, industrial and commercial property referred to in Paragraph 2 of Annex II.

(d) In order to enable Bangladesh to fulfil the above-mentioned undertakings and obligations, appropriate technical assistance will be provided upon request.

6. Within the limits of their respective competences, the Parties agree that they will work to improve exchange of information and access to their respective public procurement markets on the basis of reciprocity. To this end, the Community encourages Bangladesh to join the WTO Plurilateral Agreement on Government Procurement.

7. With regard to international maritime transport services, the Parties shall seek to ensure effective application of the principle of unrestricted access to the international maritime market and traffic on a commercial basis.

(a) This provision does not prejudice the rights and obligations arising from the United Nations Convention Code of Conduct for Liner Conferences as applicable to one or other Contracting Party to this Agreement. Non-conference lines will be free to operate in competition with a conference as long as they adhere to the principle of fair competition on a commercial basis.

(b) The Parties affirm their commitment to a freely competitive environment as being an essential feature of the dry and liquid bulk trade.

Article 5. Environmental Cooperation

1. Recognising that there is a close link between social deprivation and environmental degradation, the Parties undertake to cooperate in the environmental field with the aim of enhancing the prospects for achieving sustainable economic growth and social development, placing a high priority on respect for the natural environment.

2. Particular attention will be paid to:

(a) reducing risks from the environment in disaster prone areas and/or to offer better protection against such risks and fighting against soil degradation;

(b) developing an effective environment policy providing appropriate legislative measures and resources to implement it. This will encompass training, capacity building and the transfer of appropriate environmental technology;

(c) cooperating in the development of sustainable and nonpolluting energy sources, as well as solutions to urban and industrial pollution problems;

(d) avoiding activities which damage the environment (especially areas with a fragile eco-system), while developing tourism as a sustainable source of revenue;

(e) environmental impact assessment, as an essential part of reconstruction and development projects in all fields, at both the preparation and the implementation stages;

(f) seeking close cooperation in the achievement of the objectives of multilateral environmental agreements to which both are party.

Article 6. Economic Cooperation

1. In accordance with their respective policies and objectives and to the extent of their available resources, the Parties undertake to foster economic cooperation for mutual benefit. They will determine together, to their mutual advantage and within the limits of their respective competences, the areas and priorities for economic cooperation programmes and activities in the context of a clear cooperation strategy.

2. The Parties agree to cooperate in the following broad fields:

(a) developing a creative competitive economic environment in Bangladesh by facilitating the use of know-how and technology from the Community, including, in the fields of design, packaging, standards, such as consumer and environmental standards, new materials and products;

(b) facilitating contacts between economic operators and other measures designed to promote commercial exchanges and investments;

(c) facilitating exchanges of information on policies relating to enterprise and to small and medium-sized enterprises (SMEs), particularly with a view to improving the business and investment environment and encouraging closer contacts between SMEs, in order to promote trade and increase industrial cooperation opportunities;

(d) strengthening management training in Bangladesh with a view to developing business operators who are able to interact effectively with the European business environment;

(e) promoting dialogue between Bangladesh and the Community in the fields of energy policy and transfer of technology.

3. Within the limits of their respective competences, the Parties undertake to encourage an increase in mutually beneficial investment by establishing a more favourable climate for private investments through better conditions for the transfer of capital and by supporting, where appropriate, the conclusion of conventions on the promotion and protection of investments between the Member States of the Community and Bangladesh.

Article 7. Regional Cooperation

1. The Parties agree that cooperation between them may include actions undertaken under cooperation agreements with other countries in the same region, provided that such action is compatible with this Agreement.

2. Without excluding any area, the Parties agree to give particular consideration to the following actions:

(a) technical assistance (services of outside experts, training of technical staff in certain practical aspects of integration);

(b) promotion of intra-regional trade;

(c) support for regional institutions and for joint projects and initiatives established under regional organisations such as the South Asian Agreement on Regional Cooperation (SAARC);

(d) support for studies on regional/sub-regional issues including, inter alia, transport, communications, environmental matters and human and animal health.

Article 8. Cooperation In Science and Technology

The Parties in accordance with their respective policies and competences, will promote scientific and technological cooperation in areas of common interest. This shall include cooperation on standards and quality control.

Article 9. Drug Precursor Chemicals and Money Laundering

1. In conformity with their respective competences and the pertinent legal provisions, the Parties agree to cooperate in order to prevent the diversion of drug precursor chemicals. They also agree on the necessity of making every effort to prevent money laundering.

2. Both Parties shall consider special measures against the illicit cultivation and production of, and trade in, drugs, narcotics and psychotropic substances as well as prevention and reduction of drug abuse. Cooperation in this area shall include:

(a) assistance for the training and rehabilitation of addicts;

(b) measures for alternative economic development;

(c) exchanges of relevant information ensuring that personal data are suitably protected.

Article 10. Human Resource Development

The Parties agree that human resources development constitutes an integral part of both economic and social development.

The Parties acknowledge the necessity of safeguarding the basic rights of workers by taking account of the principles in the relevant International Labour Organisation instruments, including those on the prohibition of forced and child labour, the freedom of association, the right to organise and bargain collectively and the principle of non-discrimination.

The Parties recognise that both education and skills development as well as improving the living conditions of the disadvantaged sections of the population, with special emphasis on

Women, will contribute to creating a favourable economic and social environment.

Article 11. Information, Culture and Communication

Within the sphere of their respective competences, the Parties shall cooperate in the field of information, culture and communications, both to create a better mutual understanding and to strengthen cultural ties between them, including, inter alia, through studies and technical assistance for the preservation of cultural heritage.

The Parties also recognise the importance of cooperation in the fields of telecommunications, the information society and multimedia applications which contribute to increased economic development and trade.

The Parties consider that cooperation in this area, within the sphere of their respective competences, may facilitate:

(a) regulation and policy for telecommunications;

(b) mobile communication;

(c) the information society, including the promotion of the global navigation satellite systems;

(d) multimedia technologies for telecommunications;

(e) telematic networks and applications (transportation, health, education, environment).

Article 12. Joint Commission

1. The Parties agree to set up a Joint Commission whose tasks shall be to:

- (a) ensure the proper functioning and implementation of the Agreement;
- (b) set priorities in relation to the aims of the Agreement;
- (c) make recommendations for promoting the objectives of the Agreement.

Provisions will be laid down on the frequency and venue of the meetings, chairmanship and the setting up of subgroups.

2. The Joint Commission shall be composed of representatives of both sides, at the senior official level. The Joint Commission shall normally meet every other year, alternately in Brussels and in Dhaka, on a date to be fixed by mutual agreement. Extraordinary meetings may also be convened by agreement between the Parties.

3. The Joint Commission may set up specialised subgroups to assist in the performance of its tasks and to coordinate the formulation and implementation of projects and programmes in the framework of the Agreement.

4. The agenda for meetings of the Joint Commission shall be determined by agreement between the Parties.

5. The Parties agree that it shall also be the task of the Joint Commission to ensure the proper functioning of any sectoral agreements concluded or which may be concluded between the Community and Bangladesh.

Article 13. Consultations

The Parties acknowledge the value, in the light of the objectives of this Agreement, of consulting each other on international, economic and commercial issues of mutual interest.

Article 14. Evolutive Clause

The Parties may, by mutual consent, expand this Agreement with a view to enhancing the level of cooperation and add to it by means of agreements on specific sectors or activities.

With regard to the implementation of this Agreement, either of the Parties may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in its application.

Article 15. Other Agreements

Without prejudice to the relevant provisions of the Treaties establishing the European Communities, neither this Agreement nor action taken thereunder shall in any way affect the powers of the Member States of the European Union to undertake bilateral activities with Bangladesh in the framework of economic and development cooperation or to conclude, where appropriate, new economic and development cooperation agreements with Bangladesh.

Article 16. Non-execution of the Agreement

1. If either Party considers that the other Party has failed to fulfil any of its obligations under the Agreement, it may take appropriate measures.

2. Before doing so, except in cases of special urgency, it shall supply the other Party with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

3. In the selection of measures, priority shall be given to those which least disturb the functioning of the Agreement. These measures shall be notified immediately to the other Party and shall be the subject of consultations if the other Party so requests.

Article 17. Facilities

To facilitate cooperation in the framework of this Agreement, the Bangladeshi authorities will grant to Community officials and experts involved in implementing cooperation the guarantees and facilities necessary for the performance of their functions. The detailed provisions will be set out by way of a separate Exchange of Letters.

Article 18. Territorial Application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of the People's Republic of Bangladesh.

Article 19. Annexes

The Annexes to this Agreement shall form an integral part thereof.

Article 20. Entry Into Force and Renewal

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.
2. This Agreement is concluded for a period of five years. It shall be automatically renewed on a yearly basis unless one of the Parties denounces it at least six months before its expiry date.

Article 21. Authentic Texts

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Bangla languages, each text being equally authentic.

With regard to the implementation of this Agreement, either of the Parties may put forward suggestions for widening the scope of cooperation, taking into account the experience gained in its application.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.

Done at Brussels on the twenty-second day of May in the year two thousand.

For the European Community

For the People's Republic of Bangladesh

ANNEX I. Joint declaration on article 4(5) of the agreement

Under the Agreement, the Parties agree that intellectual, industrial and commercial property comprises, in particular, copyright, including copyright in computer programs, and neighbouring rights, trademarks, service marks and geographical indications, including designation of origin, industrial designs and models, patents, configuration plans (topographies) of integrated circuits, sui generis protection of databases, protection of undisclosed information and protection against unfair competition.

ANNEX II. International conventions on intellectual, industrial and commercial property protection referred to in article 4(5)

Article 4(5)

1. Article 4(5)(b) concerns the following multilateral conventions:

- Berne Convention for the Protection of Literary and Artistic Work as last revised at Paris (Paris Act 1971).
- Madrid Agreement Concerning the International Registration of Marks as last revised at Stockholm (Stockholm Act 1967).
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (1989).
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention 1961).
- Patent Cooperation Treaty (PCT Union) as modified in 1984.

- Trademark Law Treaty (1994).

2. Article 4(5)(c) concerns the following multilateral conventions:

- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks as revised at Geneva (Geneva Act 1977).

- Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure (1977).

- International Convention for the Protection of New Varieties of Plants (UPOV) as revised at Geneva (Geneva Act 1991).

- WIPO Copyright Treaty (Geneva 1996).

- WIPO Performances and Phonograms Treaty (Geneva 1996).

3. The Joint Commission may decide that Article 4(5)(b) and (c) shall apply to other multilateral conventions.

(a) For the purposes of the interpretation and practical application of this Agreement, the Parties agree that the cases of special urgency referred to in Article 16 of the Agreement mean cases of material breach of the Agreement by one of the two Parties. A material breach of the Agreement consists of:

- Repudiation of the Agreement not sanctioned by the general rules of international law,

- Violation of the essential elements of the Agreement set out in Article 1.

(b) The Parties agree that the appropriate measures referred to in Article 16 are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency pursuant to Article 16, the other Party may avail itself of the dispute settlement procedure.