

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE  
CANBERRA

**Agreement between the Government of Australia  
and the Government of the Republic of Korea on Cooperation in the  
Fields of Energy and Mineral Resources**

**(Canberra, 30 August 2004)**

Not yet in force  
[2004] ATNIF 13

**Agreement between the Government of Australia  
and the Government of the Republic of Korea on Cooperation in the  
Fields of Energy and Mineral Resources**

The Government of Australia and the Government of the Republic of Korea (hereinafter referred to as “the Parties”),

Desiring to strengthen and develop the existing cooperation between the two countries in the fields of energy and mineral resources on the basis of equality and mutual benefit,

Aiming to enlarge the areas of cooperation in the fields of energy and mineral resources, in view of the economic relationship between the two countries,

Recognising the importance of cooperation in efforts to stabilise greenhouse gas concentrations in the atmosphere in accordance with the United Nations Framework Convention on Climate Change (UNFCCC),

Being confident that the expansion of cooperation in the fields of energy and mineral resources will contribute to the further development of friendly relations between the two countries,

Have agreed as follows

**Article 1  
Objectives and Principles**

1. The Parties shall promote cooperation between the two countries in the fields of energy and mineral resources, particularly in areas of mutual benefit and interest such as trade, investment, technology, and policy consultation.
2. For the purposes of this Agreement, energy and mineral resources include commodities, products, technologies and services associated with the coal, oil, gas, uranium, new and renewable energy, power generation and any other energy and mining industries.
3. The Parties shall, in accordance with their respective laws and regulations and taking full account of the need to ensure personal privacy and commercial confidentiality, promote and facilitate the exchange of energy and mineral resources information. This exchange of information may include:
  - a) exchanging information to facilitate business participation in the development of energy and mineral resources;
  - b) exchanging information on:
    - i) energy policies and regulations;
    - ii) current and future trends of the coal, oil, gas and electricity industries;
    - iii) trade in the fields of energy and mineral resources;
    - iv) scientific and technological data; and
    - v) other areas of mutual interest that may be agreed upon by the Parties.

4. The Parties shall promote and facilitate technical cooperation in the fields of energy and mineral resources. This promotion and facilitation of technical cooperation may include:
  - a) exchanging relevant public and private sector personnel such as researchers, technicians and experts;
  - b) organising seminars, symposiums and exhibitions;
  - c) promoting and undertaking joint research for the exploration, exploitation, development, processing or transportation of energy and mineral resources; and
  - d) other areas of mutual interest that may be agreed upon by the Parties.
5. The Parties shall cooperate to facilitate bilateral trade and investment in energy and mineral resources, including value added products and services, between the two countries. This cooperation may include:
  - a) facilitating administrative procedures for investment in major projects dealing with energy and mineral resources, which includes governmental coordination and access to any governmental programs on an equitable and transparent basis;
  - b) fostering partnerships for the exploration, development and processing of energy and mineral resources among the business circles of both countries;
  - c) exchanging information on bilateral trade and investment;
  - d) promoting the conclusion of contracts or other agreements which promote long term certainty for the businesses and organizations of each country; and
  - e) other activities that may be agreed upon.
6. The Parties shall facilitate the development and implementation of greenhouse gas mitigation projects in their respective countries in the context of the UNFCCC.
7. Each Party may recommend to the other Party appropriate measures to expedite cooperative activities provided for in this Agreement.

## **Article 2**

### **Intellectual Property**

1. Unless otherwise agreed, the Party providing energy and mineral resources information pursuant to this Agreement shall retain ownership of all intellectual property in it.
2. Any such information so exchanged may only be utilised by the receiving Party:
  - a) for the purposes of this Agreement;
  - b) in accordance with the provisions of this Agreement; and
  - c) in accordance with any restrictions or conditions concerning its use and dissemination which the Party providing such information has previously made known in writing.

3. The Parties shall ensure that all intellectual property rights and any restrictions or conditions placed on information exchanged are enforced in accordance with their respective laws and regulations and the Parties shall take all reasonable measures to protect personal privacy and commercial confidentiality. Such information includes, but is not limited to, confidential information and commercial and industrial secrets exchanged between the two countries in accordance with this Agreement.

### **Article 3 Joint Committee**

1. A Joint Committee shall be established for the purpose of ensuring the effective implementation of this Agreement.
2. The Joint Committee shall be led by co-chairs representing the Parties and shall be comprised of an equal number of representatives of both Parties. The Parties shall select suitable representatives from industry and government to represent the Parties at meetings of the Joint Committee.
3. The Parties shall nominate a liaison officer as the contact point for the implementation of this Agreement.
4. The Joint Committee shall:
  - a) be responsible for administering and facilitating the effective functioning of this Agreement;
  - b) determine its own rules of procedure; and
  - c) make its decisions and adopt its recommendations by consensus.
5. The Joint Committee may establish ad hoc groups to undertake specific tasks, where necessary.
6. Unless otherwise agreed, the Joint Committee shall meet annually on mutually agreed dates alternately in the Republic of Korea and Australia.

### **Article 4 Relationship to Other Agreements**

This Agreement shall not affect the rights and obligations of the Parties arising from other multilateral or bilateral agreements to which they are parties.

### **Article 5 Dispute Resolution**

Any disputes relating to the interpretation or application of this Agreement shall be settled through consultations between the Parties.

**Article 6**  
**Entry into Force and Duration**

1. This Agreement shall enter into force upon the exchange of diplomatic notes whereby the Parties notify each other that all domestic requirements for its entry into force have been fulfilled.
2. This Agreement shall remain in force for a period of five (5) years and shall thereafter continue in force until either Party notifies the other Party, in writing, of its intention to terminate this Agreement. Such termination shall take effect six (6) months after the date of the notification.

**Article 7**  
**Amendment**

1. This Agreement may be amended by mutual consent between the Parties. Any amendment shall enter into force upon the exchange of diplomatic notes whereby the Parties notify each other that all domestic requirements for the entry into force of the amendment have been fulfilled.
2. Notwithstanding the amendment or termination of this Agreement in whole or in part thereof, any rights or obligations under this Agreement existing prior to the effective date of amendment or termination shall remain in force.

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

Done in duplicate at      Canberra      on thirtieth day of      August      2004,  
in the Korean and English languages, both texts being equally authentic.

For the Government of  
Australia

Ian Macfarlane  
Minister for Industry, Tourism  
and Resources

For the Government of  
the Republic of Korea

Ban Ki-moon  
Minister for Foreign Affairs and Trade