

# **MEMORANDUM OF COOPERATION BETWEEN JAPAN AND THE FEDERATIVE REPUBLIC OF BRAZIL FOR THE PROMOTION OF INVESTMENTS AND ECONOMIC COOPERATION IN THE INFRASTRUCTURE SECTOR**

The Government of Japan and the Government of the Federative Republic of Brazil (hereinafter referred to as the "Participants");

**RECOGNIZING** the existing friendly relationship between the two countries;

**CONSIDERING** the valuable contributions under several bilateral exercises, such as the Japan-Brazil- Joint Committee for Promotion of Trade, Investments and Industrial Cooperation; the Japan-Brazil Joint Committee on Science, Technology and Innovation; the Japan-Brazil Dialogue on Food and Agriculture; the Japan-Brazil Committee on Economic Cooperation (coordinated by CNI and Keidanren); as well as the Wise-Men Group, and bearing in mind the necessity for effective collaboration and for avoiding duplication, with these exercises;

**TAKING INTO ACCOUNT** increasing investment opportunities in Brazil, in different business sectors and modalities, including in the scope of the Investment Partnerships Program (IPP) recently launched by Brazil, and Japanese initiatives for promoting significant investments in the development of infrastructure abroad such as the "Expanded Partnership for Quality Infrastructure" ;

**STRESSING** the importance of quality infrastructure investment, which aims to ensure economic efficiency in view of life-cycle cost, safety, resilience against natural disaster, job creation, capacity building, and transfer of expertise and know-how on mutually agreed terms and conditions, while addressing social and environmental impacts and aligning with economic and development strategies;

**CONSIDERING** that both countries wish to promote, reciprocally, a bilateral agenda that has not yet been fully exploited on infrastructure development; and

**IN ACCORDANCE** with the domestic legislation of each of the Participants, they share the following:

## **PARAGRAPH 1** (Purpose)

This Memorandum of Cooperation is intended to strengthen bilateral cooperation on the promotion of investment opportunities between the Participants, through the joint implementation of actions, to be decided by the Participants, for the development of infrastructure, including application of results of innovation in the relevant sectors and technologies.

PARAGRAPH 2  
(Scope of Cooperation)

The Participants will carry out the necessary efforts in order to strengthen cooperation on the promotion of investments in the infrastructure sector, including:

- (i) transportation and logistics ;
- (ii) information and communications technology ; and
- (iii) energy.

PARAGRAPH 3  
(Working Group)

In order to implement this Memorandum of Cooperation, the Participants decide to establish a Working Group on Cooperation in the infrastructure sector as provided for in the previous Paragraph.

PARAGRAPH 4  
(Roles of the Working Group)

The Working Group will perform, among others, the following roles:

- (i) to serve as the main forum for debate on ways to promote and strengthen economic cooperation in infrastructure between the Participants;
- (ii) to promote a regular exchange of information on business opportunities in areas of mutual interest in respective infrastructure sectors
- (iii) to support the exchange of views in order to enhance bilateral infrastructure investments. These discussions will, as appropriate, include representatives from the private sector of both countries; and
- (iv) to encourage cooperation between institutions from both Participants on issues related to investment promotion in infrastructure.

PARAGRAPH 5  
(Frequency of Meetings)

1. The Working Group will meet, in person, at least once a year, subject to schedule and budget constraints of the Participants, alternately in Japan and Brazil, with a view to implementing, monitoring and reviewing actions taken under this Memorandum of Cooperation.
2. The Working Group may organize meetings through technological means such as teleconference or videoconference with a view to allowing for a better workflow and a fast pursuit of the goals of this Memorandum of Cooperation.

PARAGRAPH 6  
(Working Group Members)

1. On the Brazilian side, the Working Group will be coordinated by the Department of Trade Promotion and Investments of the Ministry of Foreign Affairs (DPR/MRE),

and by the Secretariat of International Affairs of the Ministry of Planning, Development and Management (SEAIN/MPDG). On the Japanese side, the Working Group will be coordinated by Latin American and Caribbean Affairs Bureau and Economic Affairs Bureau of the Ministry of Foreign Affairs, Policy Bureau of Ministry of Land, Infrastructure, Transport and Tourism, Global ICT Strategy Bureau of the Ministry of Internal Affairs and Communications, and Trade Policy Bureau of the Ministry of Economy, Trade and Industry. Other ministries and agencies will participate, as deemed appropriate.

2. Each Participant, represented by the Ministries described above, may designate up to two focal points for the Working Group and indicate the other members of the Working Group.

3. The Participants will inform each other, in writing, through diplomatic channels, of the Working Group's composition.

4. The Working Group may invite other relevant government institutions and private sector representatives to participate in its meetings and may also invite participation of experts from academia, civil society and business community to make presentations on specific issues, as appropriate.

5. The Working Group will coordinate its actions with the activities of other bilateral and multilateral, public or private fora. When appropriate, the Working Group will strive to complement the work of these fora. These bilateral fora will continue to operate independently, and this Memorandum of Cooperation is not intended to impose obligations or monitor these fora.

#### PARAGRAPH 7

(Dispute Settlement)

Any dispute that may arise from the interpretation or implementation of this Memorandum of Cooperation will be settled through negotiations and consultations between the Participants.

#### PARAGRAPH 8

(Changes and Modifications)

Changes or modifications may be made to this Memorandum of Cooperation by mutual consent of the Participants. These changes and modifications will be made by a separate document that will be integrated in this Memorandum of Cooperation and will be applied in line with Paragraph 9 of this Memorandum of Cooperation.

#### PARAGRAPH 9

(Final Clause)

1. This Memorandum of Cooperation will commence on the date of its signature.

2. This Memorandum of Cooperation will continue for an indefinite period. Any of the Participants may terminate this Memorandum of Cooperation by notifying the other Participant, in writing, through diplomatic channels, at least ninety (90) days in advance of its intention to terminate this Memorandum of Cooperation.

3. The termination of this Memorandum of Cooperation will not affect the implementation and duration of ongoing projects and activities in the scope of this Memorandum of Cooperation.

4. This Memorandum of Cooperation does not create or imply any additional financial obligation for the Participants.

Signed in Tokyo on 19<sup>th</sup> of October, 2016, in two originals, in English, Japanese and Portuguese. In the event of divergence or inconsistencies of interpretation between the different language texts, the English version will prevail.

By the Government of Japan

By the Government of the  
Federative Republic of Brazil

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