



## CHAPTER 9

### COOPERATION

#### Article 9.1: Basic Principles

1. The Parties shall, in accordance with their respective laws and regulations, promote cooperation under this Agreement for their mutual benefit in order to facilitate trade and investment between them and to promote the well-being of the people of both countries.
2. For this purpose, the Parties shall, where necessary and appropriate, encourage and facilitate cooperation between entities such as business communities, including micro, small and medium enterprises and academia.

#### Article 9.2: General Objectives

1. The Parties agree to establish a framework for collaborative activities as a means to expand and enhance the benefits of this Agreement for building a comprehensive economic partnership.
2. The Parties shall establish close cooperation aimed, *inter alia*, at:
  - (a) strengthening and building on existing and new form of cooperative relationships between the Parties, with special emphasis on promoting economic and social development, fostering innovation and encouraging research and development;
  - (b) creating new opportunities for trade and investment;
  - (c) supporting the role of the private sector in promoting and building strategic alliances to encourage mutual economic growth and development;
  - (d) encouraging the presence of the Parties and their goods and services in their respective markets of Asia Pacific and Latin America; and
  - (e) increasing the level of and deepening cooperation activities between the Parties in areas of mutual interest.



### **Article 9 3: Scope**

1. The Parties reaffirm the importance of all forms of cooperation, including, but not limited to, the fields enlisted in Article 9.4.
2. Cooperation between the Parties should contribute to achieving the objectives of the Agreement through the identification and development of innovative cooperation programs capable of providing added value to the bilateral relationship.
3. Cooperative activities shall be agreed between the Parties and may be materialised though not limited by the forms enlisted in Article 9.10.
4. Cooperative activities between the Parties set out in other Chapters of this Agreement may complement cooperation between the Parties under this Chapter.

### **Article 9.4: Fields of Cooperation**

Fields of cooperation under this Chapter shall include:

- (a) trade and investment promotion and facilitation;
- (b) science, innovation, research and development;
- (c) agriculture, fisheries, marine products and aquaculture, food industry and forestry;
- (d) mining and mining related industry;
- (e) energy;
- (f) small and medium-sized enterprises;
- (g) tourism;
- (h) education and human capital development;
- (i) trade-related gender issues;
- (j) logistics and international transportation;
- (l) competition policy;
- (m) information and communication technology;
- (n) global value chains;



- (o) trade-related environmental issues;
- (p) trade-related labour issues;
- (q) government procurement;
- (r) intellectual property;
- (s) trade-related strategic industries;
- (t) sanitary and phytosanitary measures;
- (u) technical barriers to trade measures;
- (v) development of sustainable products; and
- (w) other fields which may be mutually agreed upon by the Parties.

#### **Article 9.5: Cooperation on Environmental Issues**

1. Recognising the importance of strengthening capacity to promote sustainable development with their three interdependent and mutually reinforcing components, which are economic growth, social development and environmental protection, the Parties agree to cooperate in the field of environment.

2. The Parties reaffirm their intention to continue to pursue high levels of environmental protection and to fulfil their respective multilateral environment commitments. Accordingly, a Party shall effectively enforce its environmental laws and not weaken or reduce levels of environmental protection with the sole intention to encourage investment or to seek or to enhance a competitive trade advantage of producers or service providers operating in its territory.

3. Each Party shall respect the other Party's sovereign right to set, administer and enforce their own environmental laws and regulations, policies and national priorities, and shall ensure that its environmental laws, regulations and policies not be used for trade protectionist purposes.

4. The Parties shall endeavour to have their environmental laws, regulations, and policies in harmony with their commitments under Multilateral Environmental Agreements to which the Parties are party.

5. The Parties agree to cooperate in the field of environment. The aim of cooperation shall be the prevention or reduction of contamination, and degradation of ecosystems and natural resources, and rational use of the latter; through developing and



endorsing special programs and projects dealing, *inter alia*, with the transfer of knowledge and technology.

6. Taking into account their national priorities and available resources, the Parties shall explore and jointly decide areas of cooperation of mutual interest and benefit. These areas may include, but are not limited to:

- (a) climate change;
- (b) biodiversity and conservation of natural resources;
- (c) management of hazardous chemicals;
- (d) air quality;
- (e) water management;
- (f) waste management;
- (g) marine and coastal ecological conservation and pollution control;
- (h) strategic environmental impact assessment;
- (i) improvement of environmental awareness, including environmental education and informed public participation;
- (j) combating Illegal, Unregulated and Unreported Fishing;
- (k) sustainable products;
- (l) promote sustainable forest management and trade in legally obtained forest products; and
- (m) promotion of sustainable agriculture practices.

7. The Parties may develop new areas of cooperation through existing agreements and through appropriate implementing arrangements.

#### **Article 9.6: Cooperation on Labour Issues**

1. The Parties share the common general objective that free trade liberalisation and investment facilitation should lead to job creation, decent work and meaningful jobs for workers, with terms and conditions of employment which follow the core International Labour Organisation (ILO) labour principles. Accordingly, the Parties agree to cooperate in the field of labour.



2. The Parties reaffirm their obligations as members of ILO, especially their commitment to the principles of the ILO *Declaration on Fundamental Principles and Rights at Work* and its follow-up and shall work to ensure that its labour laws, regulations, policies and practices are in harmony with their international labour commitments.

3. Each Party shall respect the sovereign right of the other Party to set, administer and enforce their own labour laws and regulations, policies and national priorities and ensure that its labour laws, regulations, and policies shall not be used for trade protectionist purposes.

4. The Parties shall not seek to encourage or gain trade advantage by weakening or failing to enforce or administer its labour laws, regulations, and policies in a manner affecting trade between the Parties.

5. Taking into account of their national priorities and available resources, the Parties shall explore and jointly decide areas of cooperation of mutual interest and benefit. These areas may include, but not limited to:

- (a) labour laws and practices, including the promotion of labour rights, obligations and decent work;
- (b) labour consultation, exchange of information and best practices on labour relations policies and labour management cooperation;
- (c) social security; and occupational safety and health;
- (d) human capital development, training, and employability; and
- (e) experiences on the linkage between trade and labour and employment issues.

#### **Article 9.7: Cooperation on Government Procurement**

1. The Parties recognise the importance of government procurement to their economies.

2. The Parties shall cooperate on government procurement-related matters in areas of mutual interest and benefit.

3. In order to improve transparency, the Parties shall have their respective laws and regulations regarding government procurement available.

4. The Parties shall, subject to their respective laws and regulations, exchange information, to the extent possible, on their respective laws and regulations on



government procurement, as well as any reforms to their existing government procurement regimes.

5. The provision of this Article may be reviewed in the Commission, with a view of enhancing the transparency and cooperation mechanisms under this Article.

#### **Article 9.8: Cooperation on Intellectual Property Issues**

1. The Parties agree that any intellectual property resulting from the cooperation activities done in accordance with this chapter shall be regulated under mutually agreed terms in each activity.

2. At a minimum, the terms regulated in each cooperation activity, which shall include ownership, commercial and non-commercial use, royalties and licensing of intellectual property.

#### **Article 9.9: Cooperation on Global Value Chains**

The Parties shall establish cooperation on:

- (a) exchanging knowledge and exploring trade policy strategies aimed at deepening the integration of Chile and Indonesia into global value chains; and
- (b) sharing knowledge and experiences regarding the interaction of trade policy with other public policies, in the development of strategies for the engagement in global value chains, aiming to achieve long-term economic development for the Parties, considering all stakeholders, including the private sector.

#### **Article 9.10: Forms of Cooperation**

1. Parties shall encourage and facilitate, as mutually agreed, the following forms of cooperation, which may include, but are not limited to:

- (a) exchange of people, information, documentation and experiences;
- (b) cooperation in regional and multilateral fora;
- (c) direct cooperative activities;
- (d) contact with business communities, scientists and academia;



- (e) technical assistance;
- (f) dialogues, conferences, seminars and training programs with experts;
- (g) development of joint research programs;
- (h) facilitation of transfer of technology; and
- (i) any other activities mutually agreed by the Parties.

### **Article 9.11: Research, Development and Innovation**

Cooperation in research, development and innovation shall focus on cooperative activities in sectors where mutual and complementary interests exist. If appropriate, the Parties shall also promote partnerships in the support of the development of innovative products and services and activities to promote linkage, innovation and technology exchange.

### **Article 9.12: Committee on Cooperation**

1. For the purposes of this Agreement, the Parties hereby establish a Committee on Cooperation (Committee), which shall comprise representatives of each Party.
2. The Committee shall be coordinated and co-chaired by:
  - (a) for Chile, the General Directorate for International Economic Affairs (DIRECON) of the Ministry of Foreign Affairs, or its successor; and
  - (b) for Indonesia, the Deputy of International Economic Cooperation of the Coordinating Ministry for Economic Affairs, or its successor.
3. The Committee shall meet at least once a year, unless the Parties agree otherwise. During the first meeting, the Committee shall agree on its specific terms of reference. The Committee shall determine its functions in its terms of reference, which may include to:
  - (a) determine other fields of cooperation and the cooperative activities;
  - (b) oversee the implementation of the strategic collaboration agreed by the Parties;
  - (c) encourage the Parties to undertake cooperation activities under this Chapter;



- (d) maintain updated information regarding any cooperation agreement, arrangement or instrument between the Parties;
- (e) review and monitor the implementation and operation of this Chapter;
- (f) exchange information on the field of cooperation; and
- (g) report to the Commission the results of its meetings.

4. The Committee may agree to establish *ad hoc* working groups in accordance with its terms of reference.

5. The Committee may interact, where appropriate, with the relevant entities to address specific matters.

6. After each meeting, the Committee shall report its results to the Commission. Consequently, the Commission may formulate recommendations regarding cooperation activities under this Chapter in accordance with the strategic priorities of the Parties.

#### **Article 9 13: Costs of Cooperation**

1. The implementation of cooperation under this Chapter shall be subject to the availability of funds and the respective laws and regulations of each Party.

2. Costs of cooperation under this Chapter shall be borne by the Parties within the limits of their own capacities and through their own channels, in an equitable manner to be mutually agreed upon between the Parties.

#### **Article 9.14: Cooperation Contact Points**

1. In order to facilitate communication for the purposes of this Chapter, each Party shall designate a contact point.

2. The Contact Point for each Party shall be:

- (a) for Chile, the General Directorate for International Economic Affairs (DIRECON) of the Ministry of Foreign Affairs, or its successor; and
- (b) for Indonesia, the Deputy of International Economic Cooperation of the Coordinating Ministry for Economic Affairs, or its successor.

3. A Party may make a request for cooperation activities related to this Agreement.

4. Each Party shall notify the other Party promptly of any change of contact point.



**Article 9.15: Non-Application of Dispute Settlement**

The dispute settlement procedure provided for in Chapter 12 (Dispute Settlement) shall not apply to this Chapter.