

No. 4420

UNION OF SOVIET SOCIALIST REPUBLICS
and
PEOPLE'S REPUBLIC OF CHINA

Agreement concerning the regime of commercial navigation on rivers and lake, on or along their frontiers. Signed at Moscow, on 21 December 1957

Official texts: Russian and Chinese.

Registered by the Union of Soviet Socialist Republics on 14 July 1958.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**
et
RÉPUBLIQUE POPULAIRE DE CHINE

Accord relatif au régime de la navigation commerciale sur les cours d'eau et un lac frontières ou voisins de la frontière. Signé à Moscou, le 21 décembre 1957

Textes officiels russe et chinois.

Enregistré par l'Union des Républiques socialistes soviétiques le 14 juillet 1958.

[TRANSLATION — TRADUCTION]

No. 4420. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA CONCERNING THE REGIME OF COMMERCIAL NAVIGATION ON RIVERS AND LAKE, ON OR ALONG THEIR FRONTIERS. SIGNED AT MOSCOW, ON 21 DECEMBER 1957

The Government of the Union of Soviet Socialist Republics and the Government of the People's Republic of China, being desirous of further expanding trade between their two countries and of reciprocally improving the regime of commercial navigation on the Amur, Sungari, Ussuri, Argun, Cherny Irtysh, Ili and Sungacha Rivers and on Lake Khanka, have agreed as follows :

Article 1

The Contracting Parties shall, on the basis of reciprocity and equality, including reciprocity and equality in the matter of port and navigational fees, take steps to ensure that during the period of navigation commercial navigation for both Parties is free and practicable at any time of the day along the entire navigable length, and in the harbours, of the Amur River (including the lower course of that river in the territory of the Union of Soviet Socialist Republics up to and including its mouth), the Sungari, Ussuri, Argun, Cherny Irtysh, Ili and Sungacha Rivers, and Lake Khanka.

The water-transport authorities of the two Contracting Parties shall jointly draw up lists of harbours and other places of importance to commercial navigation on the rivers and lake specified above, in the light of the requirements of Soviet-Chinese trade. Such lists shall be drawn up well in advance of the start of navigation so as to enable the shipping undertakings to begin operations as soon as the rivers and lake are open for navigation.

Article 2

Each Contracting Party shall extend to the other benevolent treatment in all matters pertaining to commercial navigation on the rivers and lake specified in article 1 above, and, in particular, with regard to the stay of vessels of either Contracting Party in ports of the other, port operations (including the work of loading and unloading), port facilities and warehouses, fueling and provisioning of vessels, fees and charges, and, when necessary, medical assistance.

¹ Came into force on 19 April 1958, the date of the exchange of the instruments of ratification at Peking, in accordance with article 16.

Article 3

Freightage along the rivers and lake specified in article 1 above, whether for Soviet-Chinese trade or for the transit trade in either direction, shall be shared among the shipping undertakings of the two Contracting Parties in an equitable manner and with due regard for the interests of the said undertakings, so that each receives a satisfactory share of such freightage.

The shipping undertakings of the two Contracting Parties may enter into agreements regarding technical and other questions connected with this Agreement.

Article 4

A vessel of either Contracting Party shall, while in the waters of the other Contracting Party, comply with the laws and regulations in force in those waters. Matters on board the vessel shall be governed by the laws and regulations of the Contracting Party under whose flag the vessel is sailing.

Each Contracting Party shall recognize the regulations of the other Contracting Party applying to the vessels of the other Contracting Party as regards the construction and equipment of vessels, the recruitment of crews and ship's papers.

Vessels of either Contracting Party navigating the waters of the other Contracting Party shall not be required to use the services of pilots of the other Contracting Party. However, all necessary steps shall be taken to ensure that any request by a ship's captain for pilots shall where possible be granted immediately.

Article 5

Each Contracting Party shall take the necessary steps under its laws to expedite and simplify as far as possible the application of customs, health and other shipping regulations at its ports and at the frontier.

Article 6

In the case of goods in transit, the customs authorities of the Contracting Party through whose territory the goods are conveyed shall be entitled, in accordance with the laws in force of that Contracting Party, to take such goods in charge.

Article 7

A vessel of either Contracting Party calling at a port of the other Party not for the purpose of loading or unloading operations but to take on supplies shall not be subject to customs formalities and shall be exempt from customs duties and other charges. However, it shall be subject to the control of the customs authorities until it leaves port.

Article 8

A vessel of either Contracting Party, on calling at a port of the other Contracting Party for loading or unloading operations and on leaving port, shall be exempt from customs duties and other charges, and from the requirement of import and export permits for articles of equipment, machinery or spare parts carried aboard the vessel.

Ship's stores aboard the vessel destined for the crew and passengers, or for the operation and maintenance of the vessel shall be exempt from customs duties and other charges both on entering and on leaving the port, and shall also be exempt from the requirement of import and export permits, provided that the customs regulations of the Contracting Party in whose waters the vessel has docked are observed.

Ship's stores which are destined for the crew and passengers, or for the operation and maintenance of the vessel, and which have been placed under the control of the customs authorities in a port of the other Contracting Party shall be exempt from customs duties and other charges and from the requirement of import and export permits.

Goods not mentioned in this article shall be subject to the applicable customs regulations of the Contracting Party in whose waters the vessel has docked.

Article 9

Each of the Contracting Parties shall recognize the crew-member's identity document, with attached photograph, issued by a competent agency or local authority of the other Contracting Party. This identity document, in the case of a member of the crew of a Soviet vessel, shall be the "USSR seaman's pass" and in the case of a member of the crew of a Chinese vessel, the "crew-member's identity paper issued by the Ministry of Communications of the People's Republic of China".

Article 10

The identity documents specified in article 9 above shall entitle the persons who are described therein and who are aboard a vessel of either of the Contracting Parties to cross the State frontier of the other Contracting Party in either direction without a passport or special travel orders, provided that the name of the person concerned appears on the ship's register.

A person in possession of an identity document issued by one of the Contracting Parties shall, during the stay of his ship in a port of the other Contracting Party, enjoy the right to go ashore and to move freely in the town in which the port is situated. Movement beyond the limits of the town shall be subject to official approval. All persons going ashore shall be required to pass through the health, passport and customs inspections of the locality concerned and to comply with local laws and ordinances.

Article 11

A person in possession of an identity document issued by one of the Contracting Parties, as specified in article 9 above, and of travel orders issued by a shipping undertaking indicating his itinerary and destination may, if required to do so in the course of his duties, cross the State frontier of the other Contracting Party at specified points. In that case, he shall proceed to his place of destination without lingering unnecessarily in the territory of the other Party.

Article 12

An employee of a shipping authority or undertaking of either Contracting Party who desires to cross the State frontier of the other Contracting Party in pursuance of his duties must be in possession of an official identity document, with attached photograph, duly issued by the authority or undertaking by which he is employed or of the identity document specified in article 9 above, and of travel orders which have been issued by the shipping undertaking and which indicate his itinerary and destination.

Article 13

No vessel of a Contracting Party shall dock in, or ride at anchor off, a port of the other Contracting Party without the special permission of the competent authorities of the other Contracting Party, except in cases of *force majeure* or of inability to continue navigation. In such cases the persons aboard the vessel must remain on board and may not leave the vessel without the permission of the appropriate shore authorities.

In an emergency, two or three members of the crew may go ashore on the captain's orders for the purpose of communicating with the nearest shore authorities.

If the lives of the persons aboard the vessel are in jeopardy they may go ashore. However, they may not leave the place at which they land until the arrival of official authorities, who must be summoned by members of the crew. Persons who have gone ashore must obey the lawful instructions of such authorities.

Article 14

Shipping undertakings of the two Contracting Parties may act as each other's agents in connexion with passenger and freight transport at places along the rivers and lake specified in article 1 of this Agreement.

Shipping undertakings of one Contracting Party may, if necessary and by agreement between the water-transport authorities of both Contracting Parties, establish agencies in the territory of the other Contracting Party.

Such agencies shall be formed and operated with due regard for the laws and established regulations of the Contracting Party in whose territory they are established.

Agencies of shipping undertakings of one of the Contracting Parties, set up in the territory of the other Contracting Party, shall be exempt from all taxes levied and charges imposed in that territory.

Article 15

Shipping undertakings of the Contracting Parties shall be subject to taxes directly connected with their passenger and freight transport operations and shall pay them only in the State in which their main office (administrative headquarters) is situated.

Article 16

This Agreement is subject to ratification by the Contracting Parties and shall enter into force on the date of the exchange of the instruments of ratification. The exchange of the instruments of ratification shall take place at Peking. The Agreement shall remain in force until it is denounced by one of the Contracting Parties, which shall give due notice to the other Contracting Party three months before the end of the calendar year.

DONE at Moscow on 21 December 1957 in duplicate, in the Russian and Chinese languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics :
S. SHASHKOV

For the Government
of the People's Republic
of China :
CHU LI-CHIEH