

No. 15003

**NETHERLANDS
and
CHINA**

**Agreement on maritime transport. Signed at Peking on
14 August 1975**

Authentic texts: Dutch and Chinese.

Registered by the Netherlands on 27 August 1976.

**PAYS-BAS
et
CHINE**

**Accord relatif aux transports maritimes. Signé à Pékin le
14 août 1975**

Textes authentiques : néerlandais et chinois.

Enregistré par les Pays-Bas le 27 août 1976.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON MARITIME TRANSPORT BETWEEN THE
GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS
AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF
CHINA

The Government of the Kingdom of the Netherlands and the Government of the People's Republic of China have, for the purpose of developing friendly relations between the two countries and strengthening co-operation in the field of maritime transport, in accordance with the principles of equality and mutual benefit, agreed as follows:

Article 1. For the purposes of this Agreement:

The term "vessel of a Contracting Party" means a merchant vessel flying the national flag of the Kingdom of the Netherlands or the national flag of the People's Republic of China;

The term "crew member" means a person who actually performs duties or services on board during the voyage, who holds an identity document mentioned in article 11 of this Agreement and whose name is included in the crew list of the vessel.

Article 2. Vessels of either Contracting Party shall be entitled to sail between the ports of the two countries open to foreign trade and to engage in passenger and cargo services between such port of the two countries or of either country and a third country.

Vessels flying the national flags of third countries and operated by the shipping companies of either Party shall be accorded the same right if the competent authorities of the other Party do not object.

Article 3. Neither Contracting Party shall, within the framework of international maritime transport, take any action which would constitute flag discrimination against vessels of the other Contracting Party or those of countries acceptable to both Parties.

Article 4. Each Contracting Party shall grant most-favoured-nation treatment to the other Party in respect of the latter's vessels and their crew members referred to in article 1 of this Agreement in the collection of taxes, dues and charges of all kinds, the performance of customs, quarantine, frontier-inspection and harbour formalities or regulations, in berthing alongside or mooring at anchorage, shifting berths, loading and discharging of cargo, embarkation and disembarkation of passengers and transshipment of cargo, and in the furnishing of supplies of all kinds required by the vessel, crew and passengers as long as vessels of the latter Party sail in the territorial waters of the former Party or enter, clear or stay in the ports thereof.

Port facilities, including those for loading, discharging, stacking and storage purposes on wharf, shore and water, and navigational aids and pilotage services at

¹ Came into force on 18 February 1976, the date of the exchange of diplomatic notes between the Contracting Parties stating that the formalities required under their legislation had been completed, in accordance with article 16.

ports of one Party shall be furnished to the vessels of the other Party on the terms of most-favoured-nation treatment.

The above provisions of this article shall not apply to any advantages, favourable treatment, privileges or exemptions which either Contracting Party, by reason of its present or future participation in a customs union or similar international agreement, grants or may grant to the States concerned.

The above provisions shall not affect the laws and regulations of either Contracting Party governing the entry of foreign nationals into its territory, their stay therein or their departure therefrom.

Article 5. The Contracting Parties shall adopt, within the limits of their national law and port regulations, all appropriate measures to facilitate and expedite maritime traffic, to prevent unnecessary delay to vessels and to expedite and simplify as much as possible the performance of customs and other formalities required in ports.

Article 6. The provisions of this Agreement shall not apply to cabotage. When vessels of one Contracting Party sail between two ports of the other Party in order to unload inward cargo and/or disembark passengers from abroad or to take on outward cargo and/or passengers bound for foreign countries, such sailing shall not be regarded as cabotage.

Article 7. Each Contracting Party shall recognize certificates which indicate the nationality of vessels of the other Party and are issued in accordance with the said other Party's relevant laws and regulations by its competent authorities.

Each Contracting Party shall recognize tonnage certificates and other ship's documents issued by the competent authorities of the other Party.

Vessels not holding a tonnage certificate issued by the competent authorities of one Contracting Party may, for the purposes of payment of the taxes due in respect of the vessel, be reweighed in accordance with the relevant regulations of the other Party.

Article 8. The Contracting Parties agree that each Party shall exempt from every kind of tax the receipts and other income derived by shipping companies of the other Party from maritime transport operations.

Article 9. Each Contracting Party shall grant shipping companies of the other Party the right freely to transfer in a currency and at an exchange rate acceptable to both Parties income received in the territory of the first-mentioned Party.

Article 10. Should vessels of either Contracting Party referred to in article 1 of this Agreement be involved in maritime casualties or encounter any other danger in the territorial waters or ports of the other Party, the latter shall give all possible assistance and consideration to the vessels, crew, cargo and passengers in danger and notify the appropriate authorities of the first-mentioned Party in the quickest way possible. No discrimination shall be made in the collection of charges incurred.

Where cargo on board a vessel involved in a maritime casualty must be discharged and stored temporarily on the shore of the other Party for carrying back to the country of shipment or to third countries, the other Party shall provide all facilities required, and such cargo shall be exempt from all customs duties, dues and taxes.

Article 11. Each Contracting Party shall recognize the seamen's identity documents issued by the competent authorities of the other Party. The identity document issued by the Kingdom of the Netherlands shall be the *Monsterboekje* (seaman's book), and that issued by the People's Republic of China shall be the *haiyuan zheng* (seaman's book).

Crew members from third countries serving on board a vessel of either Contracting Party must hold either a passport or a recognized crew member's identity document issued by the competent authorities of a country acceptable to the other Party.

Crew members holding the identity documents specified above may, while the vessel is lying in a port of the other Contracting Party, go ashore and stay in the town in which the port is situated, in accordance with the relevant regulations in force in the country of stay.

If such crew members require hospitalization in the territory of the other Contracting Party, the competent authorities of that other Party shall permit him to remain as long as is necessary.

Article 12. A crew member holding an identity document specified in article 11 of this Agreement may, after obtaining permission, travel through the territory of the other Contracting Party in order to be repatriated, to join a vessel in another port, or for any other reason acceptable to the competent authorities of the said other Contracting Party.

Such permission shall be granted as promptly as possible; its period of validity shall be determined by the said authorities.

The diplomatic and consular officials of one Contracting Party and the crew members of a vessel of that Party shall be entitled to contact and meet each other while the vessel is in a port of the other Contracting Party, provided that the relevant regulations of the country of stay are observed.

Article 13. Either Contracting Party shall have the right to refuse to admit to its territory foreign seamen whom it considers unsuitable for entry.

Article 14. Vessels of one Contracting Party and their crew members shall, while in the territory of the other Party, observe the relevant laws, rules and regulations of the said other Party.

Article 15. In order to promote the development of maritime transport in the two countries and to deal with matters of mutual interest arising from the implementation of this Agreement, the competent authorities of the two Contracting Parties shall appoint special representatives to meet at a time and place agreed upon by the Parties.

Article 16. This Agreement shall enter into force on the date of the exchange of diplomatic notes between the Contracting Parties stating that the formalities required under the legislation of each Party have been completed.

If either Contracting Party wishes to terminate this Agreement, it must so notify the other Party in writing six months in advance. The Agreement shall cease to have effect six months after the date of such notification.

DONE at Peking on 14 August 1975, in duplicate in the Dutch and Chinese languages, both texts being equally authentic.

For the Government
of the Kingdom
of the Netherlands:
J. VIXSEBOXSE

For the Government
of the People's Republic
of China:
YÜ MEI
