

**No. 15680**

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**UNITED STATES OF AMERICA  
and  
ROMANIA**

**Agreement on maritime transport (with related notes).  
Signed at Washington on 4 June 1976**

*Authentic texts: English and Romanian.*

*Registered by the United States of America on 19 May 1977.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
ROUMANIE**

**Accord relatif aux transports maritimes (avec notes con-  
nexes). Signé à Washington le 4 juin 1976**

*Textes authentiques : anglais et roumain.*

*Enregistré par les États-Unis d'Amérique le 19 mai 1977.*

## AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA ON MARITIME TRANSPORT

The Government of the United States of America and the Government of the Socialist Republic of Romania,

Being aware of the long-standing friendship between their countries and the American and Romanian peoples;

Desiring to promote friendly relations on the basis of the principles set forth in the Joint Statement of the Presidents of the two States at Washington on December 5, 1973,<sup>2</sup> and reaffirming the continuing importance of the Joint Statement on Economic, Industrial and Technological Cooperation issued at Washington on December 5, 1973;<sup>3</sup>

Recalling the Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania, signed at Bucharest on April 2, 1975,<sup>3</sup> embodying undertakings and arrangements for the conduct of trade between their countries, which will serve the interests of both peoples;

Recognizing that it is to their mutual advantage to strengthen the cooperation between the two countries in the field of maritime transportation;

Have agreed as follows:

### *Article 1. DEFINITIONS*

For purposes of this Agreement:

A. "Vessel" means any merchant ship which is actually engaged in commercial maritime carriage of passengers or cargo.

B. "Vessel of a Party" means any vessel which is under the flag of the United States of America or the Socialist Republic of Romania and is registered in the United States of America or in a port of the Socialist Republic of Romania.

C. "Vessel" does not include warships, as defined in multilateral conventions to which both Parties are bound.

D. "Member of the crew" means any person employed on board the vessel during its voyage who actually performs duties or services connected with the operation or maintenance of the vessel and whose name is included on the crew list of the vessel.

### *Article 2. FISHING VESSELS*

This Agreement shall not apply to or affect the rights of fishing vessels, fishery research vessels and fishery support vessels.

<sup>1</sup> Came into force on 4 June 1976 by signature, in accordance with article 16.

<sup>2</sup> United Nations, *Treaty Series*, vol. 938, p. 457.

<sup>3</sup> *Ibid.*, vol. 1020, p. 163.

*Article 3. PARTICIPATION IN MARITIME TRANSPORTATION*

The Parties will seek to encourage the free participation of the vessels of both Parties in maritime transportation between the United States of America and the Socialist Republic of Romania.

*Article 4. DEVELOPMENT AND FACILITATION OF MARITIME TRAFFIC*

1. Each Party shall, within the limits of its applicable laws and regulations, adopt all appropriate measures to facilitate and expedite maritime traffic between the two States, to prevent delays to vessels and, insofar as possible, to simplify and expedite the implementation of administrative, customs, and all required formalities.

2. The Parties shall encourage the development of container transport and the promotion of modern technology in maritime traffic between the ports of the two Parties.

*Article 5. ENTRY TO PORTS*

1. Noting Article VII, paragraph 3 of the Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania of April 2, 1975, the Parties agree that vessels of either Party shall have liberty on equal terms with vessels of any third country, to come with their cargoes to ports, places, and waters of the other Party open to foreign commerce and navigation, except insofar as requirements of national security limit such access; such vessels and cargoes shall then in all respects be accorded most-favored-nation treatment within the ports, places, and waters of the other Party except insofar as modified by port security requirements.

2. The provisions of paragraph 1 of this Article shall not be interpreted to entitle a vessel of one Party to perform port services, including pilotage and towage services, or services of salvage and assistance, within the ports, places, and waters of the other Party.

*Article 6. CARRIAGE OF PASSENGERS AND CARGO*

1. Vessels of either Party are entitled to engage in commercial passenger and cargo services between ports of the Party in which they are registered and ports of the other Party and between ports of the other Party and third countries.

2. This Agreement shall not apply to the transportation of passengers or cargo between ports of the same Party. However, the right of vessels of either Party to engage in commercial passenger and cargo services in accordance with paragraph 1 of this Article shall include the right to pick up or discharge passengers and cargo at more than one port of the other Party if such passengers and cargo are destined for or are proceeding from another country on the same vessel.

3. Cargo carried in a vessel of one Party may be reloaded in a vessel of that Party after it has been unloaded in the territory of the other Party and rejected by the person to whom it was destined, if the cargo then becomes destined for a port outside the territory of that other Party.

*Article 7. PERMANENT OPERATIONS REPRESENTATIVES*

In order to facilitate operations and to ensure efficient use of the vessels of the Parties, the enterprises which operate such vessels may maintain permanent operations representatives in the territory of the other Party.

*Article 8. DOCUMENTS*

1. Vessels of the flag of a Party, and carrying the documents required by its law in proof of nationality, shall be deemed to be vessels of that Party.
2. The documents of a vessel, including tonnage certificates, as well as the documents referring to crews, issued according to the laws and regulations of the Party under whose flag the vessel is navigating, will be recognized by the authorities of the other Party. For purposes of this paragraph, documents of individual crew members shall be United States seaman's documents or the Socialist Republic of Romania *Carnet de marinar* as identification documents.
3. Each Party shall inform the other Party of any changes in its system of tonnage measurement.

*Article 9. CREWS IN PORT*

1. Members of the crew of vessels of either Party shall be permitted to go ashore during the stay of their vessel in the ports of the other Party, in accordance with applicable laws and regulations of the Party where the vessel is located.
2. Each Party may deny entry into its territory of a member of the crew of a vessel of the other Party in accordance with its applicable laws and regulations.
3. Members of the crew of vessels of either Party requiring hospitalization shall be permitted to enter into and remain in the territory of the other Party for the period of time necessary for medical treatment, in accordance with the applicable laws and regulations of the Party where the hospitalization and treatment take place.
4. Seamen of either Party, who are documented as described in paragraph 2 of Article 8 of this Agreement, may enter the territory of the other Party for the purpose of joining the crew of national vessels, in accordance with the applicable laws and regulations of the other Party. Likewise, members of the crew of vessels of either Party may, for the purpose of repatriation, for proceeding to another port to join the crew of a vessel, or for any other reason acceptable to the appropriate authorities of the other Party, travel through the territory of that Party, after approval of the appropriate authorities of that Party has been obtained.

*Article 10. RELATIONS WITH CONSULAR REPRESENTATIVES*

Members of the crew of vessels of either Party and its consular officials are entitled to contact and to meet each other whenever their vessel is in the ports of the other Party, in accordance with the applicable laws and regulations of the Party where the vessel is located.

*Article 11. VESSELS IN DISTRESS*

1. Should a vessel of either Party be involved in a maritime accident or encounter any other danger in the ports, places and waters of the other Party,

the other Party shall give friendly treatment and all possible assistance to the passengers, crew, cargo and vessel in accordance with the highest traditions of the sea.

2. When a vessel of one Party is involved in a maritime accident or encounters any other danger and cargo is removed therefrom and landed in the territory of the other Party, such cargo shall not be subject to any customs duties unless it enters into domestic consumption. Storage charges incurred shall be in accordance with paragraph 1 of Article 5 of this Agreement.

3. Each Party shall promptly notify the consular officials, or in their absence, the diplomatic representatives, of the other Party when one of the vessels of the latter Party is in distress, and inform them of measures taken for the rescue and protection of the vessel, its crew, passengers, cargo and stores.

#### *Article 12. NAVIGATION ON THE DANUBE*

The provisions of this Agreement will be applied with respect to navigation on the Danube, taking into account the navigation rules and appropriate regulations in force.

#### *Article 13. RIGHTS RESERVED*

1. With respect to matters not specified in this Agreement, the Parties reserve the right to apply their national laws and regulations.

2. The provisions of this Agreement shall not limit the right of either Party to take any action for the protection of its security interests.

#### *Article 14. CONSULTATIONS*

1. In order to promote the orderly and efficient development and operation of commercial maritime transportation, the Parties agree that their competent authorities shall meet whenever necessary to consider matters arising under this Agreement.

2. Either Party may request consultations with the other Party at any time. Such consultations shall be held at an agreed place within three months from the date of receipt of the notice requesting consultations.

3. Whenever one Party believes that a problem exists with respect to the interpretation or application of this Agreement, its position shall be communicated to the other Party for the purpose of finding a solution. Any disagreement which remains unsolved concerning the interpretation or application of this Agreement shall be referred to direct negotiations between the Parties.

#### *Article 15. DURATION*

1. The initial term of this Agreement shall be for three years. It shall be extended for successive terms of three years, subject to negotiations between the Parties within a period of six months prior to the concluding date of each term to approve extension.

2. This Agreement shall expire at the conclusion of a term if the Parties have not approved extension, or prior to such time, upon ninety days' written notice by one Party to the other.

*Article 16.* ENTRY INTO FORCE

This Agreement shall enter into force on the date of signature.

IN WITNESS WHEREOF, the authorized representatives of the Parties have signed this Agreement.

DONE at Washington, this 4th day of June, 1976, in duplicate, in the English language and the Romanian language, both texts being equally authentic.

For the Government  
of the United States of America:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Socialist Republic of Romania:

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by C. W. Robinson — Signé par C. W. Robinson.

<sup>2</sup> Signed by Traian Dudas — Signé par Traian Dudas.

## RELATED NOTES

## I

DEPARTMENT OF STATE

WASHINGTON

Dear Mr. Minister:

In connection with the signing today of the Agreement between the Government of the United States of America and the Government of the Socialist Republic of Romania on Maritime Transport, I wish to refer to Article 5, paragraph 1 of the Agreement, and to inform you of the port security procedures that will be applicable to Romanian vessels which enter ports of the United States.

Entry of Romanian vessels into ports of the United States shall be permitted, subject to approval by competent United States authorities of a request submitted four full working days prior to the planned entry.

Sincerely yours,

[Signed]

CHARLES W. ROBINSON  
Deputy Secretary of StateHis Excellency Traian Dudas  
Minister of Transport and Telecommunications  
of the Socialist Republic of Romania

## II

[ROMANIAN TEXT — TEXTE ROUMAIN]

Stimate Domnule Ministru,

În legătură cu Acordul între guvernul Republicii Socialiste România și guvernul Statelor Unite ale Americii privind transportul maritim, semnat astăzi, confirm primirea scrisorii dumneavoastră privind procedurile de securitate portuară aplicabile navelor românești care intră în porturile Statelor Unite ale Americii.

Cu stimă,

[Signed — Signé]<sup>1</sup>

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<sup>1</sup> Signed by Traian Dudas — Signé par Traian Dudas.

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

Dear Mr. Minister:

In connection with the Agreement between the Government of the Socialist Republic of Romania and the Government of the United States of America on Maritime Transport, signed today, I acknowledge receipt of your letter relating to port security procedures applicable to Romanian vessels which enter ports of the United States of America.

Sincerely yours,

TRAIAN DUDAS

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<sup>1</sup> Translation supplied by the Government of the United States.

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis.