

No. 15936

**BRAZIL
and
ROMANIA**

Agreement concerning maritime transport. Signed at Brasília on 5 June 1975

*Authentic texts: Portuguese and Romanian.
Registered by Brazil on 30 September 1977.*

**BRÉSIL
et
ROUMANIE**

Accord sur les transports maritimes. Signé à Brasília le 5 juin 1975

*Textes authentiques : portugais et roumain.
Enregistré par le Brésil le 30 septembre 1977.*

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL
AND THE SOCIALIST REPUBLIC OF ROMANIA CONCERNING
MARITIME TRANSPORT

The Government of the Federative Republic of Brazil and the Government of the Socialist Republic of Romania,

Considering the desirability of developing trade between the Federative Republic of Brazil and the Socialist Republic of Romania;

Bearing in mind the particular desirability of promoting reciprocal trade by strengthening and duly protecting the economic stability of their respective merchant marines, the existence and development of which are deemed essential not only for strengthening the foundations on which trade can be increased but also for fostering the expansion of economic relations between the two countries;

Considering that bilateral trade in goods should be accompanied by an effective exchange of services;

Recognizing the need for effective and regular maritime transport services and for the adoption of appropriate and stable freight rates;

Recognizing that the merchant marines of both countries have the right to accord priority to the transport of cargoes shipped in the context of their reciprocal trade;

Bearing in mind that Brazilian and Romanian shipowners are the carriers directly responsible for the transport of goods traded between the two countries and that consequently the proceeds of the freight charges resulting from such trade should benefit shipowners of both countries;

Considering it desirable that the shipping companies should strengthen relations and maintain permanent contacts with each other;

Have agreed as follows:

Article I. 1. The maritime transport of goods shipped in the context of the trade between the two countries shall be effected in vessels flying the Brazilian or Romanian flag.

2. Both Contracting Parties shall make every effort to ensure that transport is effected in such a way that the total freight carried, in either direction, is divided equally between the vessels of the two Contracting Parties.

3. In the event that one of the Contracting Parties is unable to carry freight in accordance with paragraph 2 of this article, the freight shall be carried, where possible, in vessels of the other Contracting Party.

4. Bulk shipments of petroleum and its derivatives shall continue to be subject to the domestic legislation of each Contracting Party.

Article II. 1. The application of this Agreement shall not entail any discrimination with regard to cargo, shall not occasion delays in the shipment of

¹ Came into force on 28 June 1977, i.e., 90 days after the date on which the Contracting Parties notified each other, through the diplomatic channel, of its final approval or ratification, in accordance with article XX.

cargoes in vessels of either Contracting Party for a period of more than 30 days, and shall establish equitable freight rates.

2. In the event that no space is available in vessels flying the Brazilian or Romanian flag, shipment in vessels flying the flag of a third State may be authorized within the time-limit established in paragraph 1 of this article. Such authorization, at the shipper's request, shall always be granted by the competent maritime authority if the Brazilian or Romanian shipowners cannot provide the necessary space for such transport.

Article III. The transport of cargoes shipped from Brazilian to Romanian ports and vice versa shall be effected only by shipowners authorized by the respective competent maritime authorities to engage in maritime commercial traffic between the two Contracting Parties.

Article IV. 1. For the purposes of this Agreement, vessels shall be considered as flying the Brazilian or the Romanian flag if they are registered in each of the Contracting Parties in accordance with the legislation in force in each of the Contracting Parties, with the exception of the following:

- (a) warships;
- (b) other vessels for the exclusive use of the armed forces;
- (c) vessels used for research (hydrographic, oceanographic and scientific);
- (d) fishing boats.

2. Vessels hired under time charter by national shipowners or legally constituted shipping companies, whose charter parties have been registered with the respective competent maritime authority and which have consequently been authorized to participate in the commercial traffic between the two countries, shall be treated in either country as most-favoured-nation vessels for the duration of the charter.

3. The competent maritime authorities shall notify each other whenever they grant authorization for the chartering of vessels to be used in the commercial traffic between the two countries.

Article V. 1. Each Contracting Party shall afford to vessels of the other Contracting Party, in its ports and territorial waters, the same treatment as it affords to most-favoured-nation vessels, used in international transport, in respect of access to ports, use of ports for loading and discharging, embarkation and disembarkation of passengers, payment of charges, port and other dues, the use of services connected with navigation and the normal commercial operations deriving therefrom.

2. The provisions pertaining to paragraph 1 of this article shall not apply to:
- (a) ports not open to foreign vessels;
 - (b) activities which, according to the legislation of each country, are reserved for its own enterprises, companies and citizens, including in particular coastal shipping, salvaging, towing and other port services;
 - (c) regulations governing mandatory pilotage for foreign vessels;
 - (d) regulations concerning the entry into and stay of foreign nationals in the territory of the Contracting Parties.

Article VI. The Contracting Parties shall adopt, within the limits of their legislation and port regulations, all necessary measures to facilitate and increase maritime transport, to avoid unnecessary delay to vessels, and to expedite and

simplify as much as possible the performance of customs and other formalities required in ports.

Article VII. 1. The nationality and tonnage certificates and other ship papers issued or recognized by one of the Contracting Parties shall also be recognized by the other Party.

2. The vessels of either Contracting Party having duly issued tonnage certificates shall be exempt from remeasurement in the ports of the other Party.

Article VIII. 1. The provisions of this Agreement shall not apply to navigation in inland waters.

2. In matters relating to navigation on the Danube, the provisions of this Agreement shall be applied in the light of the legal régime governing navigation on the Danube; in the sections under the Special River Administrations established under the Convention regarding the régime of navigation on the Danube, of 18 August 1948,¹ the regulations laid down by these Administrations shall be applied.

Article IX. Each of the Contracting Parties shall mutually recognize, as identity documents for members of their respective crews and family members thereof, who are on board the same vessel and included in the crew list, the "Enrolment Book and Register" in the case of Brazilian vessels and the "Seaman's Book" in the case of Romanian vessels.

Article X. 1. The crew members of a vessel belonging to one Contracting Party may, on the basis of a visa issued in connexion with the documents provided for in article IX, travel in transit through or stay temporarily within the territory of the port town of the other Contracting Party for reasons of work, for the purpose of health care or for other reasons accepted by the competent authorities.

2. The visa shall be issued for a limited period, to enable crew members to return to their country of origin, rejoin their vessels or reach another port of embarkation.

Article XI. 1. Should a vessel of either Contracting Party be shipwrecked or stranded, run aground or suffer any other accident off the coast of the other Contracting Party, the vessel and its cargo shall enjoy in the territory of that Party the same advantages and privileges and shall assume the same obligations as apply to vessels of the other Party and their cargoes. The master, crew and passengers, as well as the vessel itself and its cargo, shall at all times receive the same help and assistance as would be given to vessels of the other Party. No provision of this article shall affect any claim for salvage in respect of any help or assistance given to the vessel, its passengers, crew or cargo.

2. The vessel which has suffered an accident, its cargo, equipment, fittings, stores or other articles shall be exempt from customs duties, taxes and other import dues of any kind, provided that they are not intended for use or consumption in the territory of the other Contracting Party.

Article XII. The authorities and courts of either Contracting Party may not in any way or for any reason whatsoever consider disputes arising on vessels flying the flag of the other Contracting Party, during the voyage or in port, between the

¹ United Nations, *Treaty Series*, vol. 33, p. 181.

management of the ship, the master, the officers and the crew members included in the crew list, and which concern the crew's personal effects, their remuneration and, in general, work on board the vessel.

Article XIII. The provisions of articles IX, X, XI and XII shall also apply to the crews of fishing vessels of the Contracting Parties.

Article XIV. Any differences regarding the interpretation or application of this Agreement shall be settled by means of direct negotiations between the competent maritime authorities of the two Contracting Parties. Should those authorities fail to reach agreement, the differences shall be settled through the diplomatic channel.

Article XV. 1. The maritime shipping enterprises based in the territory of either Contracting Party shall be exempt from payment, in the territory of the other Contracting Party, of taxes on income and profits earned as a result of commercial transport operations.

2. The Contracting Parties undertake to apply to the financial authorities concerned to facilitate the prompt liquidation and transfer of the sums resulting from the payment of freight charges to the authorized shipowners in each Contracting Party to this Convention.

Article XVI. The Contracting Parties undertake, where necessary, to facilitate the issue of entry visas or temporary visitor's visas to a representative of an authorized shipowner, for the purpose of overseeing the commercial implementation of this Agreement.

Article XVII. 1. For the purposes of this Agreement, the competent maritime authorities shall be, in the Federative Republic of Brazil, the National Department of the Merchant Marine (SUNAMAM) of the Ministry of Transport and, in the Socialist Republic of Romania, the Department of the Merchant Marine of the Ministry of Transport and Telecommunications.

2. If, as a result of any amendments to the legislation of either Contracting Party, the competence of the maritime authority referred to in paragraph 1 of this article is changed, the other Contracting Party shall be notified by diplomatic note of the designation of the new authority.

Article XVIII. 1. Either Contracting Party may request meetings for consultation between the competent maritime authorities concerning the provisions and the application of this Agreement. The consultations must begin within 90 days of the date of notification of the request and shall be held in the territory of the country to which the request was made, unless otherwise agreed. Requests for consultation shall be made through the normal diplomatic channels.

2. The competent maritime authorities may also communicate with each other directly, either by correspondence or through representatives, for the purpose of dealing with matters which are not of such importance as to require formal consultations and considering the conditions and results of the application of this Agreement and seeking to improve them.

Article XIX. 1. For the purpose of implementation of this Agreement, the competent maritime authorities of both Contracting Parties shall conclude an Additional Protocol to the Agreement.

2. The competent maritime authorities of the two Contracting Parties shall meet, within 90 days of the signing of this Agreement, for the purpose of concluding the Additional Protocol referred to in paragraph 1 of this article.

Article XX. This Agreement shall enter into force 90 days after the date on which the Contracting Parties notify each other, through the diplomatic channel, of its final approval or ratification; it shall remain in force for five years and shall be automatically renewed for a further five-year period, unless at any time one of the Contracting Parties notifies the other, at least 180 days in advance of the date of expiry, of its wish to denounce it.

DONE in duplicate, in the Portuguese and Romanian languages, both texts being equally authentic, at Brasília on 5 June 1975.

For the Government
of the Federative Republic
of Brazil:

ANTONIO F. AZEREDO DA SILVEIRA

For the Government
of the Socialist Republic
of Romania:

GEORGE MACOVESCU
