

No. 16923

**JAPAN
and
CHINA**

**Agreement on shipping. Signed at Tokyo on 13 November
1974**

Authentic texts: Japanese and Chinese.

Registered by Japan on 7 September 1978.

**JAPON
et
CHINE**

**Accord relatif aux transports maritimes. Signé à Tokyo le
13 novembre 1974**

Textes authentiques : japonais et chinois.

Enregistré par le Japon le 7 septembre 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN JAPAN AND THE PEOPLE'S REPUBLIC OF CHINA ON SHIPPING

The Government of Japan and the Government of the People's Republic of China, on the basis of the joint statement issued by the two Governments at Peking on 29 September 1972, seeking to promote friendly intercourse between the peoples of the two countries and to develop relations between the two countries in the area of shipping, in accordance with the principles of equality and mutual benefit, have, after amicable consultations, agreed as follows:

Article 1. For the purposes of this Agreement:

1. The term "ship" means a merchant vessel engaged in the transport of passengers or cargo by sea for commercial purposes.
2. The terms "ship of one Contracting Party" and "ship of the other Contracting Party" mean ships recognized under the provisions of article 2 of this Agreement as having the nationality of the People's Republic of China or the nationality of Japan.

Article 2. A ship flying the flag of either Contracting Party and possessing a ship's registration document issued by the competent authorities of that Party in accordance with the laws and regulations of their country shall be recognized as having the nationality of that Contracting Party.

Article 3. 1. Ships of either Contracting Party may engage in the transport of passengers and cargo between the two Parties or between the other Party and third countries.

2. Ships of countries other than the two Contracting Parties chartered by a shipping enterprise of either Party may engage in the transport specified in paragraph 1 of this article, provided that the other Party raises no objection.

Article 4. 1. Ships of either Contracting Party shall be entitled to enter and leave all open ports of the other Party under the same conditions as ships of third countries.

2. When a ship of either Contracting Party is navigating, entering or leaving port or moored in or outside a port in the territorial waters of the other Party, the ship and its passengers and cargo shall enjoy treatment not inferior to that of ships of third countries and their passengers and cargo in matters relating to the application of customs, quarantine and harbour regulations and procedures, to the collection of taxes and charges of all kinds, to mooring, changing moorings or loading and unloading cargo in port or at anchorage, to the use of port equipment and navigational aids, to pilot services and to the supply of any goods and materials required by the ship, its crew or its passengers and the provision of facilities of all kinds.

¹ Came into force on 4 June 1975, i.e., the thirtieth day following the date of the exchange of notifications confirming the completion of the required domestic legal formalities, in accordance with article 12 (1).

Article 5. Each Contracting Party shall recognize ship's tonnage certificates issued by the competent authorities of the other Party to ships of that other Party.

Either Party may proceed in accordance with its own laws and regulations to measure the tonnage of ships not in possession of a ship's tonnage certificate issued by the competent authorities of the other Party.

Article 6. 1. Each Contracting Party shall recognize ship's crew members' identity certificates issued by the competent authorities of the other Party, and while a ship of either Party is moored in or outside a port of the other Party, members of its crew in possession of the aforesaid identity certificates shall be accorded treatment not inferior to that of similar crew members of ships of third countries in matters relating to the application of entry, exit, disembarkation, customs and quarantine regulations and procedures.

2. The crew members' identity certificates specified in paragraph 1 of this article shall be, in the case of the People's Republic of China, the "haiyuan zheng" (seaman's certificate) or such other certificate as may be specified by the People's Republic of China to replace it, and in the case of Japan, the "sen'in techō" (seaman's book) or such other certificate as may be specified by Japan to replace it.

3. While a ship of either Contracting Party is moored in or outside a port of the other Party, its master or a crew member designated by the master as his representative may, after completing the formalities required by the said other Party, meet with members of the first-mentioned Party's diplomatic and consular missions.

Article 7. The provisions of this Agreement shall not apply to cabotage. However, the sailing of a ship of one Contracting Party from one port of the other Party to another in order to unload all or some of its passengers or cargo arriving from outside the country or to take on all or some of its passengers or cargo for transport outside the country shall not be regarded as cabotage.

Article 8. 1. If a ship of one Contracting Party is wrecked or encounters any other emergency while off the coast of the other Party, the said other Party shall accord the ship and its crew, passengers and cargo assistance and protection not inferior to those accorded the ships of third countries and their crews, passengers and cargo in similar circumstances and shall notify the first-mentioned Party's competent authorities of the relevant circumstances by the swiftest possible means.

2. Cargo and other items recovered from the aforesaid ship shall be exempt from the imposition of customs duty and other taxes, provided that they are not imported into the territory of the said other Party for consumption therein.

Article 9. Each Contracting Party shall accord the other Party's shipping enterprises the right to remit to their head offices, at a rate of exchange acceptable to both Parties, in yuan renminbi, yen or a convertible currency recognized by both countries, that portion of their income derived from shipping in the territory of the first-mentioned Party which is in excess of their expenditures.

Article 10. In order to make shipping activities between the Contracting Parties contribute to the development of economic and trade relations between them, the two Parties shall co-operate to the maximum extent possible in promoting the unimpeded growth of passenger and cargo transport by ships of both Parties.

Article 11. The two Contracting Parties may, at the request of either Party, hold consultations, by a suitable method and at a time and place agreed upon by the two Parties, to deal with matters arising out of the application of this Agreement.

Article 12. 1. This Agreement shall enter into force on the thirtieth day from the date of the exchange of notifications confirming that each country has completed the requisite domestic legal formalities for its entry into force. It shall remain in force for three years, after which it shall continue in force until it is terminated in accordance with paragraph 2 of this article.

2. Either Contracting Party may terminate this Agreement upon the expiry of the initial three-year term or at any time thereafter, subject to six months' prior notice in writing to the other Party.

IN WITNESS WHEREOF, the representatives named below, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Tokyo on 13 November 1974, in duplicate, in the Japanese and Chinese languages, both texts being equally authentic.

For the Government
of Japan:

FUMIHIKO TOGO

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

HAN NIANLONG
