

No. 17123

**FEDERAL REPUBLIC OF GERMANY
and
CHINA**

**Agreement on maritime transport. Signed at Peking on
31 October 1975**

Authentic texts: German and Chinese.

Registered by the Federal Republic of Germany on 13 October 1978.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
CHINE**

**Accord concernant le trafic maritime. Signé à Pékin le
31 octobre 1975**

Textes authentiques : allemand et chinois.

Enregistré par la République fédérale d'Allemagne le 13 octobre 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON MARITIME TRANSPORT BETWEEN THE
FEDERAL REPUBLIC OF GERMANY AND THE PEOPLE'S
REPUBLIC OF CHINA

For the purpose of developing friendly relations between the Federal Republic of Germany and the People's Republic of China, and furthering co-operation in maritime transport,

The Governments of the two States, in accordance with the principles of equality and mutual benefit, have agreed as follows:

Article 1. In this Agreement:

The term "vessel of a Contracting Party" means a merchant vessel authorized to fly the national flag of the Federal Republic of Germany or the national flag of the People's Republic of China.

The term "members of the crew" means the master and persons performing duties or services on board during a voyage who hold identity documents mentioned in article 11 of this Agreement and whose names are included in the crew list of the vessel.

Article 2. Vessels of either Contracting Party shall be entitled to sail between those ports of the two Parties open to international trade and to transport passengers and cargo between the two Parties or between either Party and a third State.

Vessels flying the national flag of a third State and operated by shipping companies of either Contracting Party may also engage in such transport.

Article 3. Within the framework of international maritime transport, neither Contracting Party shall take any action which would constitute flag discrimination against vessels of the other Party or vessels of other countries which under the second paragraph of article 2 hereof are acceptable to both Parties.

Article 4. Both Contracting Parties shall grant most-favoured-nation treatment to vessels of a Contracting Party and their crews referred to in article 1 hereof in respect of the collection of taxes, dues and other charges; of customs clearance, quarantines, and harbour regulations and formalities; of berthing alongside or mooring at anchorage shifting berths; of embarkation and disembarkation of passengers; and of furnishing supplies required by the vessel, crew and passengers so long as vessels of one Contracting Party sail in the territorial waters of the other Party or enter, clear or stay in the ports thereof.

Port facilities, including those for loading, discharging and warehousing on wharf, shore and water as well as navigational aids and pilotage services at ports of one Contracting Party shall be furnished to the vessels of the other Party in accordance with the most-favoured-nation treatment.

¹ Came into force on 29 March 1979, the date on which the Contracting Parties informed each other by an exchange of diplomatic notes that their internal constitutional formalities had been completed, in accordance with article 19.

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 simplify and expedite as much as possible customs clearance and other port formalities.

Article 6. The provisions of this Agreement shall not apply to cabotage. When vessels of either Contracting Party sail between ports of the other Party to discharge inward cargo and disembark passengers from abroad or to load outward cargo and embark passengers for foreign destinations, it shall not be regarded as cabotage.

Article 7. Each Contracting Party shall recognize the ship's certificate of registry issued by the competent authorities of the other Party in compliance with its law and regulations.

Each Contracting Party shall recognize the tonnage certificates and other ship's documents issued by the competent authorities of the other Party without remeasuring or reinspection. All port charges shall be calculated on the basis of these documents.

Article 8. Neither Contracting Party shall levy any form of tax on the income derived from international maritime transport by shipping companies of the other Party having their place of effective management in the territory of such other Party.

Article 9. Each Contracting Party shall accord shipping companies of the other Party the right to transfer freely any income derived from maritime transport conducted within the territory of the first Party in a currency and at a rate of exchange acceptable to both Parties.

Article 10. If a vessel of one Contracting Party is involved in maritime casualties or encounters any other danger while in the territorial waters or port of the other Party, the latter shall give all possible assistance and attention to the vessel, crew, passengers and cargo in danger, and notify by the quickest route the appropriate authorities of the Party involved. No discrimination shall be made in the collection of charges incurred.

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

Article 11. Each Contracting Party shall recognize the master's and seamen's identity documents duly issued by the competent authorities of the other Party. The documents for the Federal Republic of Germany shall be the "passport" for masters and the "seaman's book" for crew members; the documents for the People's Republic of China shall be the "seaman's book".

Article 12. During the stay of the vessels of one Contracting Party at the ports of the other Party:

- 1) Members of the crew holding an identity document referred to in article 11 of this Agreement shall be entitled to go ashore and stay in the city or town where the port is situated in accordance with the relevant law and regulations in force in the country of stay;

- 2) Members of the crew admitted to a hospital in the territory of a Contracting Party because of illness shall be permitted by the competent authority of that Party to stay there for as long as may be necessary for their recovery;
- 3) The diplomatic or consular officials of one Contracting Party and the master and crew members of that Party shall be entitled to contact and meet each other while respecting the relevant laws and regulations in force in the country of stay.

Article 13. Crew members of a vessel of a Contracting Party and seamen signing on or off shall be entitled, for the purpose of repatriation, for joining their vessel or another vessel, or for any other reason acceptable to the competent authorities of the other Contracting Party, to travel through the territory of that Party once they have obtained a visa. Such visas shall be issued within the shortest possible time.

Article 14. For crew members of third countries on vessels of either Contracting Party, including seamen signing on or off, the identity documents shall be the identity papers duly issued by the competent authority of countries to which neither Contracting Party objects.

The Contracting Parties shall, in accordance with their relevant national laws and regulations, grant the treatment provided for in articles 12 and 13 of this Agreement to the seamen referred to in paragraph 1 of this article.

Article 15. The vessels and crew members of a Contracting Party shall observe the relevant law and regulations of the other Party during their stay in the latter's territorial sea, internal waters and ports.

Article 16. This Agreement shall not apply to privileges and immunities enjoyed by either Contracting Party resulting from its membership in a customs union or accession to any similar international convention.

Article 17. In order to meet the requirements of the development of maritime transport of both Contracting Parties, special representatives shall, at the request of one Contracting Party and after consultations between the competent authorities of both Parties, be appointed to meet on the date and at the place mutually agreed upon. The representatives of both Contracting Parties shall deal with matters of mutual interest arising from the implementation of this Agreement, such as:

- The scope of maritime transport operations carried on by vessels of both Contracting Parties under this Agreement;
- Rates and other matters pertaining to the operation of maritime transport by vessels of both Contracting Parties.

Both Contracting Parties agree to settle these matters on the basis of the principles of equality and mutual benefit.

Article 18. In accordance with the present situation this Agreement shall apply also to (West) Berlin.

Article 19. This Agreement shall enter into force on the date on which both Contracting Parties exchange diplomatic notes indicating that the formalities required under their internal laws have been completed.

This Agreement shall remain in force for an unlimited period of time. If either Contracting Party wishes to denounce this Agreement, it shall so notify the other Party in writing; this Agreement shall cease to have effect six months after the date of receipt of such notification by the other Party.

DONE at Peking on 31 October 1975, in duplicate, in the German and Chinese languages, both texts being equally authentic.

For the Government of the Federal Republic of Germany:

ROLF F. PAULS

K. GSCHIEDLE

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

[*Signed*]

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