

No. 17416

**FRANCE
and
LIBYAN ARAB JAMAHIRIYA**

Maritime Agreement. Signed at Tripoli on 22 March 1976

Authentic texts: French and Arabic.

Registered by France on 21 December 1978.

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et
JAMAHIRIYA ARABE LIBYENNE**

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Enregistré par la France le 21 décembre 1978.

[TRANSLATION — TRADUCTION]

MARITIME AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE LIBYAN ARAB REPUBLIC

The Government of the French Republic and the Government of the Libyan Arab Republic,

Desiring to ensure, in a spirit of co-operation, the harmonious development of maritime exchanges between France and Libya on the basis of reciprocity of interests and freedom of maritime foreign trade, have agreed as follows:

Article 1. For the purposes of this Agreement:

1. The term “ship of a Contracting Party” means any vessel flying the flag of that Party, in accordance with its laws. This term shall not apply to warships of the two Contracting Parties.

2. The term “crew member of a ship” means any person who is actually taken on in order to perform on board during a voyage a task relating to the operation or service of the ship and who is included in the crew list.

Article 2. This Agreement shall apply to the territory of the French Republic, on the one hand, and to the territory of the Libyan Arab Republic, on the other.

Article 3. The Contracting Parties reaffirm their commitment to the principle of the freedom of maritime foreign trade. Each of the two Contracting Parties shall accord to ships flying the flag of the other Party most-favoured-nation treatment with regard to navigation, ports and trade.

Article 4. The Contracting Parties agree:

- (a) To encourage the participation of ships of France and Libya in freight transport between the two countries and not to prevent any ship sailing under the flag of the other Contracting Party from engaging in freight transport between the ports of its country and the ports of third countries;
- (b) To co-operate in removing obstacles which may hinder the development of maritime trade between the two countries and the various activities connected with such trade.

The provisions of this article, which take into account the mutual interests of the two countries, shall not affect the right of ships sailing under the flag of a third country to participate in freight transport between the ports of the two Contracting Parties.

Article 5. The French Government shall, at the request of the Libyan Government, consider terms for its assistance in the organization and development of the Libyan merchant fleet and in the design and construction of port facilities.

Article 6. The French Government shall undertake to facilitate the admission to its merchant marine schools of Libyan students desirous of receiving the training

¹ Came into force on 18 September 1978, the date of exchange of the instruments of ratification confirming the completion of the constitutional procedures by each of the Contracting Parties, in accordance with article 22.

necessary for the exercise of command functions on board Libyan merchant ships, in particular through their service with the French merchant marine.

Article 7. The provisions of this Agreement shall not apply to types of shipping, activities and transport operations reserved by each of the two Parties for itself under its own legislation, in particular port services, towage, pilotage, the domestic coasting trade and maritime fishing.

Article 8. In implementation of the most-favoured-nation clause referred to in article 3 above, each of the Contracting Parties shall, to the fullest extent possible, facilitate access to ports, their use and all the amenities provided for navigation and commercial transactions for ships and their cargo. This provision refers, in particular, to the allocation of berths and loading and unloading facilities.

Article 9. Each of the Contracting Parties shall, within the limits of their legislation and port regulations, take the necessary measures to facilitate the completion of administrative, customs and health formalities applicable in ports.

As regards these formalities, the treatment accorded shall be that of most-favoured-nation.

Article 10. Each Contracting Party shall recognize the nationality of ships of the other Contracting Party on the basis of the documents on board those ships issued by the competent authorities of the other Contracting Party in accordance with its laws and regulations.

Article 11. Each Contracting Party shall recognize all documents on board ships of the other Party relating to their construction, equipment, crew and tonnage and all other certificates and documents issued by the competent authorities in accordance with the laws and regulations of the Contracting Party under whose flag the ship is sailing.

Calculations of the tonnage of the ships of the two Contracting Parties shall be made on the basis of the documents of each of the Parties in accordance with the laws and regulations in force in the ports of call of each of the two Parties.

Article 12. Each Contracting Party shall recognize the seafarers' identity documents issued by the competent authorities of the other Contracting Party, specimens of which are annexed to this Agreement. Such documents shall be, in the case of the French Republic, the *livret professionnel maritime* and, in the case of the Libyan Arab Republic, the *jawaz bahri*.

Article 13. Persons in possession of the identity documents referred to in article 12 of this Agreement may, without a visa, disembark and stay in the district in which the port of call is situated while the ship is lying in that port, provided that their names are included in the crew list and in the list submitted to the port authorities.

When they disembark and re-embark, such persons must satisfy the statutory controls.

Article 14. If a crew member holding the identity document referred to in article 12 is sent ashore in a port of the other Contracting Party for health reasons, because of service conditions or for other reasons recognized as valid by the local

authorities, the latter shall give the necessary authorization for the person concerned to remain in that Party's territory if hospitalization is needed and either to return to his country of origin or to proceed to another port of embarkation.

In the interests of navigation, the master of a ship which is in a port of the other Contracting Party, or a crew member designated by him, shall receive permission to visit the consular officer of his flag or the representative of the company which owns or has chartered the ship.

Article 15. The Contracting Parties reserve the right to refuse admission to their territory to persons holding the aforesaid seafarers' identity documents whom they regard as undesirable.

Article 16. 1. The judicial authorities of one Contracting Party shall entertain civil proceedings arising out of disputes between the master and any crew member of a ship of the other Contracting Party concerning wages or a contract of service only at the request or with the consent of the consular officer of the ship's flag State.

2. While a ship of one Contracting Party is in a port of the other Contracting Party, the local administrative and judicial authorities shall intervene in the event of offences committed on board only in one of the following cases:

- (a) If the request for intervention is made by the consular official or with his consent;
- (b) If the offence or its consequences are such as to disturb the peace and public order in the territory or in the port or to endanger public safety;
- (c) If a person who is not a crew member is involved.

3. The provisions of this article shall not affect the rights of the local authorities in all matters relating to the application of customs and health laws and regulations, or of other measures of control relating to the safety of ships and ports, the protection of human life, the security of cargoes and the admission of aliens.

Article 17. If a ship of one Contracting Party is wrecked, runs aground or sustains any other damage near the coast of the other State, the competent authorities of that State shall render to the passengers and also to the ship and its cargo the same protection and assistance as to a ship flying its own flag.

A ship which has been damaged, its cargo and the supplies on board shall be exempt from customs and other import duties unless they are delivered for consumption or used locally.

Article 18. The taxation of profits and revenues derived from the exercise of their activity by the maritime transport enterprises of one of the Contracting Parties in the territory of the other Contracting Party shall be the subject of a subsequent agreement.

Article 19. In order to promote the development of the external maritime trade of the two countries and to ensure co-operation between their fleets, the Contracting Parties agree to encourage the conclusion of the appropriate agreements between the shipping interests concerned in the two countries.

Article 20. In order to ensure the co-ordinated application of the provisions of this Agreement, the Contracting Parties agree:

- To hold consultations and exchange information through their competent bodies in relation to various aspects of maritime trade;
- To create a mixed commission presided over by the representatives of the Ministers responsible for the merchant marine and including the representatives of the ministries in charge of ports.

Article 21. None of the provisions of this Agreement shall hinder the fulfilment, by either Contracting Party, of obligations imposed on it by its membership in a customs union or in a grouping for regional economic integration.

Article 22. This Agreement shall enter into force on the date of the exchange of the instruments of ratification confirming the completion of the constitutional procedures by each of the Contracting Parties. It shall remain in force for a period of five years from the date of its entry into force and shall be automatically renewed unless it is denounced by one of the Parties with six months' notice.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE at Tripoli on 22 March 1976, corresponding to 21 Rabia El Awal 1396, in the French and Arabic languages, both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

JACQUES CHIRAC
Prime Minister

For the Government
of the Libyan Arab Republic:

[Signed]

Major ABDESSELAM AHMED JALLO
Member of the Revolutionary
Command Council and
Prime Minister
