

No. 19283

**BELGIUM
and
CHINA**

**Maritime Agreement (with exchange of letters). Signed at
Beijing on 20 April 1975**

*Authentic texts of the Agreement: French, Dutch and Chinese.
Authentic texts of the exchange of letters: French and Chinese.
Registered by Belgium on 19 November 1980.*

**BELGIQUE
et
CHINE**

**Accord maritime (avec échange de lettres). Signé à Beijing
le 20 avril 1975**

*Textes authentiques de l'Accord: français, néerlandais et chinois.
Textes authentiques de l'échange de lettres: français et chinois.
Enregistré par la Belgique le 19 novembre 1980.*

[TRANSLATION—TRADUCTION]

**MARITIME AGREEMENT¹ BETWEEN THE GOVERNMENT OF
THE KINGDOM OF BELGIUM AND THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF CHINA**

The Government of the Kingdom of Belgium, on the one hand, and

The Government of the People's Republic of China, on the other hand,

In order to develop friendly relations between the two countries and further co-operation in maritime transport,

Have agreed, in accordance with the principles of equality and mutual benefit, as follows:

Article 1. For the purposes of this Agreement:

The term "vessel of a Contracting Party" means a merchant vessel flying the national flag of the Kingdom of Belgium or the national flag of the People's Republic of China.

The term "crew member" means the master and any other person actually engaged during a voyage in the performance of functions relating to the operation or servicing of the vessel, who bears an identity document mentioned in article 11 of this Agreement and whose name appears on the vessel's crew list.

Article 2. Vessels of either Contracting Party shall be entitled to sail between those ports of the two countries that are open to international trade and operate passenger and cargo transport services between those two countries or either country and a third country.

The same entitlement shall be granted to vessels flying the flags of third countries but operated by the shipping companies of either Contracting Party, if the competent authorities of the other Party do not object.

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 countries acceptable to both Parties.

Article 4. The Contracting Parties undertake reciprocally to accord most-favoured-nation status to the vessels and crew members referred to in article 1 of this Agreement in respect of the collection of taxes, dues and other charges, customs and quarantine formalities and regulations, border inspections, and port formalities and regulations, of mooring and unmooring, changing berth, loading and unloading, the embarkation and disembarkation of passengers and the transshipment of goods in port and at anchor, and of the supply of provisions of any kind required by the vessel, its crew or its passengers as long as the vessel of one Contracting Party is sailing in the territorial waters of the other Party or is entering, clearing or lying in a port thereof.

¹ Came into force on 8 April 1980, after the Contracting Parties exchanged diplomatic notes (on 18 March and 8 April 1980) confirming the completion of the formalities required under their national legislation, in accordance with article 16.

Port facilities, including those for loading, unloading and storage and warehousing, at a wharf, on a quay or in the roads, and navigational aids and pilotage services in ports of either Contracting Party shall be provided to vessels of the other Party in accordance with most-favoured-nation treatment.

The above provisions shall not apply to such advantages, favours, privileges and exemptions as may be accorded by either Contracting Party to the relevant countries by virtue of present or future membership in a customs union or similar international agreement.

The above provisions shall not affect the laws, ordinances or regulations of either Party governing entry into, sojourn within and departure from its territory by foreign nationals.

Article 5. Within the limits of their national legislation and port regulations, the Contracting Parties shall take all appropriate steps to facilitate and expedite maritime traffic, prevent unnecessary delay to vessels, and simplify and expedite as far as possible the completion of customs and other port formalities.

Article 6. The provisions of this Agreement shall not apply to cabotage. The sailing of a vessel of one Contracting Party between ports of the other Party in order to unload inbound cargo or disembark passengers from abroad, or to take on outbound cargo or passengers, shall not be regarded as cabotage.

Article 7. Each Contracting Party shall recognize ships' certificates of registry issued by the competent authorities of the other Party in accordance with the laws and regulations thereof.

Each Contracting Party shall recognize ships' tonnage certificates and other ships' documents issued by the competent authorities of the other Party.

Vessels not holding a tonnage certificate issued by the competent authorities of one Contracting Party may, with a view to the payment by the vessel of dues and charges, be remeasured in accordance with the relevant regulations of the other Party.

Article 8. The Contracting Parties agree that neither will levy any form of taxation on the revenue and other income arising from the maritime transport engaged in by shipping companies of the other Party.

Article 9. Each Contracting Party shall permit the shipping companies of the other Party freely to remit revenue received in its territory, in a currency and at a rate of exchange acceptable to both Parties.

Article 10. If a vessel of one Contracting Party as specified in article 1 of this Agreement gets into difficulties or encounters other danger in the territorial waters or a port of the other Party, the latter Party shall provide all possible aid and assistance to the vessel in difficulty and its crew, cargo and passengers, and shall notify the competent authorities of the Party concerned at the earliest possible time. No discrimination shall be applied in the collection of charges incurred.

If the cargo carried aboard a vessel in difficulty needs to be unloaded and temporarily stored in the territory of the other Party in order to permit its return to the country of origin or forwarding to a third country, that Party shall provide all necessary facilities and shall grant exemption from all customs duty and other levies.

Article 11. Each Contracting Party shall recognize crew members' identity documents issued by the competent authorities of the other Party. Such documents shall be, in the case of the Kingdom of Belgium, the *Zeemansboekje* and, in the case of the People's Republic of China, the "Seaman's Book".

In the case of members of the crew from a third country enrolled on vessels of one Contracting Party, the identity document shall be their passport or a seaman's identity document issued by the competent authorities of that third country and recognized by the other Party.

Crew members holding the above-mentioned documents shall be entitled to go ashore and stay in the city or town of the other Party where the port is situated while their vessel is in port, subject to the relevant regulations in force in the country of stay.

If such crew members need to be admitted to hospital in the territory of the other Party, the competent authorities of that Party shall permit them to remain for as long as their hospital stay requires.

Article 12. Crew members holding the documents specified in article 11 of this Agreement may, for purposes of repatriation, or to reach another port in order to join a vessel, or for any other reason acceptable to the competent authorities of the other Party, travel through the territory of that Party having previously obtained permission to do so.

The above-mentioned permission shall be granted as quickly as possible by the competent authorities of the Contracting Party concerned; the period of validity of such permission shall be determined by those authorities.

While vessels of one Contracting Party lie in ports of the other Party, diplomatic and consular officials of the first-mentioned Party and crew members of that Party shall, having first complied with the relevant regulations in force in the country of stay, be entitled to contact and meet each other.

Article 13. The Contracting Parties shall be entitled to prohibit entry into their respective territory by crew members of foreign nationality who bear the aforementioned seaman's documents but whom they deem undesirable.

Article 14. Vessels and crew members of one Contracting Party shall obey the relevant laws, ordinances and regulations of the other Party while they are in the territory of that Party.

Article 15. In order to promote the development of shipping by the Contracting Parties and resolve matters of common interest arising out of the implementation of this Agreement, the competent authorities of the two Parties shall appoint special representatives to meet on a date and in a place to be selected by common consent.

Article 16. This Agreement shall enter into force on the date of the exchange of diplomatic notes confirming that the formalities required under the national legislation of each Contracting Party have been completed.

If either Contracting Party wishes to terminate this Agreement, it shall so notify the other Party in writing six months in advance; the Agreement shall terminate six months after the date of notification.

DONE at Peking on 20 April 1975 in two copies, each in the French, Dutch and Chinese languages, all three texts being equally authentic.

For the Government
of the Kingdom of Belgium:

[Signed]

R. VAN ELSLANDE

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

[Signed]

CHIAO KUAN-HUA

EXCHANGE OF LETTERS

I

Peking, 20 April 1975

Sir,

I have the honour to refer to the negotiations which took place between the delegations of the People's Republic of China and of the Kingdom of Belgium with a view to the conclusion of a Maritime Agreement between the Government of the Kingdom of Belgium and the Government of the People's Republic of China.

It was agreed during those negotiations that, by virtue of existing agreements between the Kingdom of Belgium and the Grand Duchy of Luxembourg establishing the Belgo-Luxembourg Economic Union, the provisions of the Maritime Agreement signed today at Peking between the Kingdom of Belgium and the Government of the People's Republic of China shall also apply to the Grand Duchy of Luxembourg.

This letter and the reply thereto shall form an integral part of that Agreement.

I should be grateful for your confirmation that the above exactly corresponds to the agreement reached.

Accept, Sir, etc.

RENAAT VAN ELSLANDE

Minister for Foreign Affairs
and Development Co-operation
of the Kingdom of Belgium

His Excellency Chiao Kuan-hua
Minister for Foreign Affairs
of the People's Republic of China

II

Peking, 20 April 1975

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

[See letter I]

I confirm that the above corresponds entirely to the agreement reached.
Accept, Sir, etc.

[Signed]

CHIAO KUAN-HUA

Minister for Foreign Affairs
of the People's Republic of China

His Excellency Renaat Van Elslande
Minister for Foreign Affairs
and Development Co-operation
of the Kingdom of Belgium
