

No. 18836

**SPAIN
and
EQUATORIAL GUINEA**

**Agreement on maritime transport. Signed at Malabo on
5 December 1979**

Authentic text: Spanish.

Registered by Spain on 30 May 1980.

**ESPAGNE
et
GUINÉE ÉQUATORIALE**

**Accord relatif aux transports maritimes. Signé à Malabo
le 5 décembre 1979**

Texte authentique : espagnol.

Enregistré par l'Espagne le 30 mai 1980.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON MARITIME TRANSPORT BETWEEN THE GOVERNMENT OF SPAIN AND THE GOVERNMENT OF THE REPUBLIC OF EQUATORIAL GUINEA

The Government of Spain and the Government of the Republic of Equatorial Guinea, desiring to develop maritime relations between Spain and the Republic of Equatorial Guinea in a harmonious manner, have agreed as follows:

Article 1. This Agreement shall apply in the territory of Spain and in the territory of the Republic of Equatorial Guinea.

Article 2. For the purposes of this Agreement:

(a) "Competent maritime authority" means:

—In the case of Equatorial Guinea, the Commission on Public Works, Housing, Urban Development and Transport;

—In the case of Spain, the Ministry in charge of the Mercantile Marine.

(b) "Vessel of a Contracting Party" means any merchant vessel registered in the territory of the said Party and flying its flag. The term does not include:

- (1) Vessels in the exclusive service of the armed forces;
- (2) Hydrographic, oceanographic or scientific research Vessels; and
- (3) Fishing vessels.

(c) "Member of the crew" means any person employed in the service of a vessel, entered in the list of crew and in possession of a document certifying that he is a seaman.

Article 3. The Contracting Parties shall co-operate for the purpose of eliminating all obstacles to the development of shipping between the ports of the two countries and shall refrain from any action which could limit the activities of their vessels.

Article 4. 1. In order to achieve the best possible results, the national shipowners designated by the competent authorities of Spain or of Equatorial Guinea shall harmonize their activities and maritime policies to make optimum use of their shipping capacity so that goods may be transported between the two countries on vessels of the Contracting Parties.

2. Any agreement between the shipowners of the two Parties must be submitted for prior approval to the respective competent authorities in accordance with the legislation of each State.

Article 5. Each Contracting Party shall grant the vessels of the other Party the most favourable possible treatment in respect of:

—Entry into, stay in and departure from ports;

¹ Came into force on 20 February 1980, the date of the last of the notifications (effected on 19 January and 20 February 1980) by which the Parties informed each other, through the diplomatic channel, of the completion of the required constitutional procedures, in accordance with article 20 (1).

- The use of port facilities for the loading and unloading of goods;
- The embarkation and disembarkation of passengers; and
- The performance of all necessary services and operations, both commercial and maritime.

Article 6. Within the framework of their harbour regulations, the two Contracting Parties shall adopt whatever measures are necessary to facilitate and accelerate maritime traffic, avoid the unjustified delay of vessels and simplify as far as possible the customs and any other formalities in force in their respective ports.

Article 7. Nuclear-powered vessels or vessels which transport nuclear substances or other dangerous or harmful substances or materials and which fly the flags of the Contracting Parties shall adopt suitable measures to prevent, limit and control the contamination of the territorial sea and the exclusive economic zone of the Parties, and to that end shall respect the standards, criteria, practices and procedures established in international agreements.

Article 8. 1. The vessels of each Contracting Party shall avoid any action that might affect the peace, order or security of the State and any other activity that is not directly related to their mission and transit.

2. Where navigation is temporarily suspended for reasons of national security in specific areas of the territorial sea of one of the Contracting Parties, the vessels of their respective fleets shall not be subject to any discrimination.

Article 9. Each Contracting Party shall recognize the seamen's identity documents issued by the competent authorities of the other Party. These documents shall be:

- (a) In the case of Spanish seamen, the seamen's identity card (*tarjeta de identidad profesional marítima*) or the seamen's book (*libreta de inscripción marítima*);
- (b) In the case of seamen of Equatorial Guinea, the seamen's identity card (*tarjeta de identidad profesional marítima*) or the seamen's book (*libreta de inscripción marítima*).

Article 10. 1. The bearers of either of the identity documents mentioned in article 9 of this Agreement may, as members of the crew of a vessel of one Contracting Party, remain temporarily on land without a visa during the vessel's stay in a port of the other Party, provided that the list of crew has been furnished to the competent authorities in accordance with the regulations in force in that port.

2. When disembarking and returning on board, the members of the crew must pass customs inspection.

Article 11. 1. The bearers of either of the identity documents mentioned in article 9 of this Agreement shall be authorized, regardless of the means of locomotion used, to enter the territory of the other Contracting Party or transit through that territory in order to:

- Rejoin their ship;
- Be transferred to another ship;
- Return to their countries; or

—Travel for any other reason subject to the prior approval of the authorities of the said Party.

2. In the cases referred to in the preceding paragraph, the identity documents shall be stamped with a visa by the other Contracting Party. The said visa shall be issued as quickly as possible.

3. Where a member of the crew who is a bearer of an identity document mentioned in paragraph 1 has disembarked in a port of the other Contracting Party for reasons of health or employment or for any other reason considered valid by the competent authorities, the latter shall grant the necessary authorizations for the person in question, in case he is hospitalized, to stay in the territory and to return by any means of transport to his country of origin or rejoin his vessel in another port.

Article 12. Where, because of sickness or accident, a member of the crew of a vessel of one Contracting Party which is in the internal waters of the other Party requires medical, pharmaceutical or hospital care dispensed by the other Party in its territory, such care shall be provided under the same conditions as that given to national crews. The only requirement shall be proof of registry as a member of the crew of a vessel of the first-mentioned Party.

Article 13. Each Contracting Party shall recognize the documents indicating the nationality of vessels, the tonnage certificates and any other ship's documents issued or recognized by the other Party. Duties and charges shall be calculated on the basis of the above-mentioned documents.

Article 14. The two Governments undertake to co-operate in the professional training of the personnel of their mercantile marine services, both seagoing and shore-based, through the granting of scholarships for a period of study at specialized schools.

Article 15. 1. Where a member of the crew of a vessel of one Contracting Party commits an offence on board the said vessel while it is in the territorial sea of the other Party, the authorities of the latter Party shall not prosecute him without the prior agreement of the diplomatic or consular authority of the country whose flag the vessel is flying.

2. Paragraph 1 of this article shall not apply to offences committed on board the vessel of one Contracting Party if:

- (a) The offence is likely to jeopardize security or public order in the territory of the other Party;
- (b) The offence has been committed against a person who is not a member of the crew of the vessel;
- (c) The consequences of the offence affect the territory of the State in which the vessel is located; or
- (d) Prosecution is necessary to combat the narcotics traffic.

3. This article shall not affect the right of local authorities to apply their legislation in matters of inspection and investigation.

Article 16. 1. Where a vessel of one Contracting Party is wrecked, runs aground or sustains any damage off the coasts of the other Party, the competent authorities of the latter Party shall:

- Inform the diplomatic agent or consular officer of the State whose flag the vessel is flying so that he may perform the functions incumbent upon him, and
- Grant the passengers, vessel and cargo the same protection and assistance as to a vessel flying their own flag.

2. The cargo and provisions on board a damaged vessel shall not be subject to customs duties unless they are intended for consumption or used *in situ*.

Article 17. 1. To oversee the application of this Agreement, a Joint Commission shall be established which shall make recommendations to the competent authorities of the Contracting Parties.

2. The Joint Commission shall meet in regular session once a year, alternately at Madrid or Malabo, on a date set by mutual agreement through the diplomatic channel.

3. The Joint Commission may also meet in special session at the request of either Contracting Party.

4. The Joint Commission may set up working groups to study questions that come within the framework of this Agreement.

5. The membership and functions of the Joint Commission shall be determined by the competent maritime authorities of the Contracting Parties.

Article 18. In order to be consistent in applying the articles of this Agreement, the Contracting Parties agree to hold consultations and exchange information through the competent maritime authorities of both Parties.

Article 19. The Contracting Parties may revise or amend this Agreement as they deem necessary. Such revisions or amendments shall be made by means of an exchange of notes through the diplomatic channel.

Article 20. 1. This Agreement, which replaces the Agreement of 24 July 1971,¹ shall enter into force once each of the Contracting Parties has notified the other Party, through the diplomatic channel, of the completion of its constitutional requirements. The Agreement shall enter into force on the date of receipt of the last notification.

2. This Agreement shall remain in force for five years and shall be automatically renewed for one-year periods, unless it is denounced through the diplomatic channel by one of the Contracting Parties, with six months' notice.

DONE at Malabo on 5 December 1979, in two original copies in the Spanish language, both texts being equally authentic.

For the Government
of Spain:

[Signed]

SALVADOR SÁNCHEZ TERÁN
HERNÁNDEZ
Minister of Transport
and Communications

For the Government
of the Republic of Equatorial Guinea:

[Signed]

EULOGIO OYO RIQUESA
Military Governor of Bioko and Member
of the Supreme Military Council

¹ United Nations, *Treaty Series*, vol. 1172, No. 1-18743.