

No. 19586

**FINLAND
and
CHINA**

**Agreement on maritime transport. Signed at Helsinki on
27 January 1977**

*Authentic texts: Finnish, English and Chinese.
Registered by Finland on 24 February 1981.*

**FINLANDE
et
CHINE**

**Accord relatif aux transports maritimes. Signé à Helsinki le
27 janvier 1977**

*Textes authentiques : finnois, anglais et chinois.
Enregistré par la Finlande le 24 février 1981.*

AGREEMENT¹ ON MARITIME TRANSPORT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

The Government of the Republic of Finland and the Government of the People's Republic of China,

For the purpose of further developing the friendly relations between the two countries and of strengthening their cooperation in the field of maritime transport,

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

Article 1. In this Agreement:

The term "vessel of either Contracting Party" shall mean a merchant vessel flying the national flag of the Republic of Finland or the national flag of the People's Republic of China;

The term "the crew member" shall mean a person who performs duties or services on board during the voyage, who holds an identity document mentioned in article 11 of this Agreement and whose name is included in the crew list of the vessel.

Article 2. Vessels of either Contracting Party are entitled to sail between the ports of the two countries open to foreign trade, and to engage in passenger and cargo services between the two countries or either country and a third country.

Vessels flying the national flags of third countries and operated by the shipping enterprises of either Contracting Party shall be accorded the same above mentioned right, if the competent Authorities of the other Contracting Party do not object.

Article 3. Neither Contracting Party shall, within the framework of international maritime transport, take any action which would constitute flag discrimination against vessels of the other Contracting Party or those of countries acceptable to both Parties.

Article 4. The vessels and crew members of one Contracting Party shall observe the relevant laws, rules and regulations of the other Contracting Party during their stay in the latter's territory.

Article 5. Both Contracting Parties shall mutually grant most-favoured-nation treatment to vessels referred to in article 1 of the present Agreement and to their crew members holding identity documents mentioned in article 11 in the collection of various taxes, dues and charges on the vessel, the execution of customs formalities, quarantine requirements, frontier inspections and port formalities or regulations; berthing alongside or mooring at anchorage, shifting berths, loading and discharging, embarkation and disembarkation of passengers, transshipment of cargo; as well as in the furnishing of supplies required by the vessel, crew and

¹ Came into force on 15 June 1978, i.e., 30 days after the date of the exchange of diplomatic notes (effected on 16 May 1978) by which the Contracting Parties informed each other of the completion of the required legislative formalities, in accordance with article 15.

passengers as long as vessels of one Contracting Party sail in the territorial waters of the other Contracting Party or enter, clear or stay in the ports thereof.

Port facilities, including those for loading, discharging, stacking and storage purposes 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 Contracting Party under the terms of the most-favoured-nation treatment.

The provisions of this article shall not apply to the benefits, favours, privileges and immunities resulting from any existing or future customs unions or similar international agreement to which either of the Contracting Parties is or may become a Party.

Article 6. The Contracting Parties shall, within the limits of their national laws and port regulations, adopt all appropriate measures to facilitate and expedite maritime traffic, to prevent delays to vessels and to simplify and expedite the performance of customs and other formalities required.

Article 7. The provisions of the present Agreement shall not apply to cabotage. When a vessel of one Contracting Party sails from one port of the other Contracting Party to another for discharging inward cargo and/or disembarking passengers from abroad or loading outward cargo and/or embarking passengers for a foreign country, it shall not be regarded as cabotage.

Article 8. Each Contracting Party shall recognize the nationality of a vessel on the basis of the Certificate of Registry duly issued by the competent Authorities of the other Contracting Party in compliance with its relevant laws and regulations.

Each Contracting Party shall recognize the Tonnage Certificate and other certificates or documents of ships duly issued by the competent Authorities of the other Contracting Party—or those of third countries recognized by one Contracting Party and met with no objection from the other Contracting Party—without remeasuring and resurveying the vessel concerned. All port charges and expenses shall be collected on the basis of these documents.

Article 9. The Contracting Parties agree that neither Contracting Party shall impose any form of taxation on income and other revenues derived from maritime transport undertaken by the shipping enterprises of the other Contracting Party.

Article 10. Should a vessel of either Contracting Party be involved in a maritime accident or encounter any other danger in the territorial waters or ports of the other Contracting Party, the latter shall ensure that all possible assistance and attention be given to the vessel, crew, cargo and passengers in danger and that the appropriate Authorities of the Contracting Party concerned are notified in the quickest way. No discrimination shall be exercised in the collection of charges incurred.

Where cargo on board a vessel of one Contracting Party involved in a maritime accident needs to be discharged and stored temporarily on the shore of the other Contracting Party for carrying back to the country of shipment or to a third country, that other Contracting Party shall provide all facilities required. Such cargo shall be exempt from all customs duties, dues and taxes.

Article 11. Each Contracting Party shall recognize the identity documents of the crew duly issued by the competent Authorities of the other Contracting Party. These identity documents of the crew are:

- In the case of the Republic of Finland: “Finnish Seaman’s Passport” or “Finnish Passport”;
- In the case of the People’s Republic of China: “Seaman’s Book”.

For crew members of third countries working on board of vessels of one Contracting Party, the identity documents shall be the identity documents issued by the competent Authorities of such countries acceptable to the other Contracting Party.

Crew members on board the vessel holding recognized identity documents shall be permitted to go ashore and stay in the city or town of the other Contracting Party where the port is located during the stay of the vessel in that port, in accordance with the relevant regulations in force in the country of stay.

If any member of the crew must be hospitalized in the territory of the other Contracting Party, the competent Authorities of that Contracting Party shall give permission for him to stay for the necessary length of time.

Article 12. Crew members holding recognized identity documents referred to in article 11 of the present Agreement may, for the purpose of repatriation, for proceeding to another port to join a vessel, or for any other reason acceptable to the competent Authorities of the other Contracting Party, travel through the territory of that Contracting Party, after such identity documents have been visaed by the competent Authorities of that Contracting Party.

The above said visas shall be issued by the competent Authorities of the Contracting Party concerned within the shortest possible time, and the period of validity of the visas shall be determined by the competent Authorities who issue such visas.

Article 13. During the stay of the vessels of one Contracting Party at the ports of the other Contracting Party, the diplomatic or consular officials of the former Contracting Party and the crew members of the vessel of that Contracting Party are entitled to contact and to meet each other after due performance of the relevant formalities in force in the country of stay.

Article 14. In order to promote the development of maritime transport of both countries and to deal with matters of mutual interest arising from the implementation of the present Agreement, special representatives shall be appointed by the competent Authorities of both Contracting Parties to meet at the date and place mutually agreed upon.

Article 15. This Agreement shall enter into force thirty days after the date of exchange of diplomatic notes by the Contracting Parties, stating that the formalities required by the national legislation of each Contracting Party have been accomplished.

If one Contracting Party wishes to terminate this Agreement, it shall notify the other Contracting Party in writing six months in advance, and this Agreement shall be terminated six months from the date of such notification.

DONE at Helsinki on the 27th day of January of the year 1977, in duplicate. Each copy has been done in Finnish, Chinese and English, all three texts being equally authentic.

Representative of the Government of the Republic
of Finland:

ARNE BERNER

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

CHANG TSAN-MING
