

No. 21109

**UNITED STATES OF AMERICA
and
BULGARIA**

**Agreement on maritime transport (with exchange of letters).
Signed at Sofia on 19 February 1981**

Authentic texts: English and Bulgarian.

Registered by the United States of America on 22 June 1982.

**ÉTATS-UNIS D'AMÉRIQUE
et
BULGARIE**

**Accord relatif aux transports maritimes (avec échange de
lettres). Signé à Sofia le 19 février 1981**

Textes authentiques: anglais et bulgare.

Enregistré par les États-Unis d'Amérique le 22 juin 1982.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA ON MARITIME TRANSPORT

The Government of the United States of America and the Government of the People's Republic of Bulgaria,

Desiring to promote friendly relations and arrangement for the orderly conduct of trade between their countries which will serve the interests of both peoples,

Recognizing that it is to their mutual advantage to strengthen the cooperation between the two countries in the field of maritime transportation,

Have agreed as follows:

Article 1. DEFINITIONS

For the purpose of this agreement:

A. "Vessel" means any merchant ship which is actually engaged in commercial maritime carriage of passengers or cargo. It does not mean warships, as defined in multilateral conventions to which both the United States of America and Bulgaria are parties, or fishing vessels, fishery research vessels, and fishery support vessels.

B. "Vessels of a party" means any vessel which is under the flag of the United States of America or the People's Republic of Bulgaria and is registered in the United States of America or in a port of the People's Republic of Bulgaria.

C. "Member of the crew" means any person employed on board the vessel during its voyage who actually performs duties or services connected with the operation or maintenance of the vessel and whose name is included on the crew list of the vessel.

Article 2. DEVELOPMENT AND FACILITATION OF MARITIME TRAFFIC

1. Each party shall, within the limits of its applicable laws and regulations, adopt all appropriate measures to facilitate and expedite maritime traffic between the two states, to prevent delay to vessels.

Article 3. PORT ENTRY AND CARRIAGE OF PASSENGERS AND CARGO

1. Subject to each party's port access regulations the ports of each party, open to foreign commerce and navigation, shall be open to vessels of the other party on a reciprocal basis. Likewise subject to port access regulations, the vessels of each party are entitled to engage in commercial passenger and cargo services between ports of the party in which they are registered and ports of the other party and between ports of the other party and third countries. Nothing in this agreement shall be deemed to constitute entitlement of the vessels of one party to engage in the coastwise trade of the other Party.

¹ Came into force on 19 February 1981 by signature, in accordance with article 11.

2. This agreement shall not apply to the transportation of passengers or cargo between ports of the same party. However, the rights of vessels of each party to engage in commercial passenger and cargo services in accordance with paragraph 1 of this article shall include the right to pick up or discharge passengers and cargo at more than one port of the other party if such passengers and cargo are destined for or are proceeding from another country on the same vessel.

3. Cargo carried in a vessel of one party may be reloaded in a vessel of that party after it has been unloaded in the territory of the other party and rejected by the person to whom it was destined, if the cargo then becomes destined for a port outside the territory of that other party.

*Article 4. DOCUMENTS **

1. Vessels of the flag of a party, and carrying valid documents required by its law as proof of nationality, shall be deemed to be vessels of that party in the absence of proof to the contrary.

2. Each party shall inform the other party of any changes in its system of tonnage measurement.

Article 5. CREWS IN PORT

1. Members of the crew of vessels of each party shall be permitted to go ashore during the stay of their vessel in the ports of the other party, in accordance with applicable laws and regulations of the other party.

2. Each party may deny entry into its territory of a member of the crew of a vessel of the other party in accordance with its applicable laws and regulations.

3. Members of the crew of vessels of each party who require hospitalization shall be permitted to enter into and remain in the territory of the other party for the period of time necessary for medical treatment, in accordance with the applicable laws and regulations of the other party.

4. Seamen of either party, who have appropriate seamen's documents, as appropriate, may enter the territory of the other party for the purpose of joining the crew of a national vessel, in accordance with the applicable laws and regulations of the other party. Likewise, members of the crew of vessels of either party may, for the purpose of repatriation, for proceeding to another port to join the crew of a national vessel, or for any other reason acceptable to the appropriate authorities of the other party, travel through the territory of that party, after approval of the appropriate authorities of that party has been obtained.

Article 6. RELATIONS WITH CONSULAR REPRESENTATIVES

Members of the crew of a vessel of either party and consular officials of that party are entitled to contact and meet each other whenever their vessel is in a port

* The Port Tanker Safety Act (PTSA) of 1978 (P.L. 95-474) prohibits the operation of tank vessels on U.S. waters if they are manned by one or more officers certificated by a state which does not have standards for licensing and certification of seafarers which are comparable or more stringent than U.S. standards or international standards which are accepted by the U.S.

The law requires the appropriate U.S. authorities to determine whether the foreign certificating standards meet the U.S. statutory criteria. Foreign tank vessels will be permitted to operate on U.S. waters until such time as a particular foreign standard is found to be less stringent than the pertinent U.S. standard.

of the other party, in accordance with the applicable laws and regulations of the other party.

Article 7. VESSELS IN DISTRESS

1. Should a vessel of either party be involved in a maritime accident or encounter any other danger in the ports, places and waters of the other party, the other party shall give friendly treatment and all possible assistance to the passengers, crew, cargo and vessel in accordance with the highest traditions of the sea.

2. When a vessel of one party is involved in a maritime accident or encounters any other danger and cargo is removed therefrom and landed in the territory of the other party, such cargo shall not be subject to any customs duties unless it enters into domestic consumption.

3. Each party shall promptly notify the consular officials, or in their absence the diplomatic representatives of the other party, when one of the vessels of the latter party is in distress, and inform them of measures taken for the rescue and protection of the vessel, its crew, passengers, cargo and stores.

Article 8. CONSULTATIONS

1. In order to promote arrangements for orderly conduct of commercial maritime transportation, the parties agree that their competent authorities shall meet whenever necessary to consider matters arising under this agreement.

2. Either party may request consultations with the other party at any time. Such consultations shall be held at an agreed place within three months from the date of receipt of the notice requesting consultations.

3. Whenever one party believes that a problem exists with respect to the interpretation or application of this agreement, its position shall be communicated to the other party for the purpose of finding a solution. Any disagreement which remains unresolved concerning the interpretation or application of this agreement shall be referred to direct negotiations between the parties.

Article 9. RIGHTS RESERVED

1. With respect to matters not specified in this agreement, each party reserves the right to apply its national laws and regulations and international conventions to which it is a party.

2. The provisions of this agreement shall not limit the right of either party to take any action for the protection of its security interests.

Article 10. DURATION

1. The initial term of this agreement shall be three years. It may be extended or modified and extended for successive terms of three years, subject to negotiations between the parties within a period of six months prior to the concluding date of each term to approve extension.

2. This agreement shall expire at the conclusion of a term unless extended by the parties, or prior to such time upon ninety days' written notice by one party to the other.

Article 11. ENTRY INTO FORCE

This agreement shall enter into force on the date of signature.

IN WITNESS WHEREOF, the authorised representatives of the parties have signed this agreement.

DONE at Sofia, this 19th day of February 1981 in duplicate, in the English language and the Bulgarian language, both texts being equally authentic.

For the Government
of the United States of America:

[Signed—Signé]¹

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

[Signed—Signé]²

EXCHANGE OF LETTERS

I

Letter—Annex No. 1

Dear Sir,

In connection with the signing today of the agreement between the Government of the United States of America and the Government of the People's Republic of Bulgaria on maritime transport, I wish to refer to Article 3, paragraph 1, of this agreement, and to inform you of the port security procedures that will be applicable to Bulgarian vessels which enter ports of the United States.

Entry of Bulgarian vessels into ports of the United States shall be permitted subject to prior approval by competent United States authorities of a request submitted by the vessel's agent to the U.S. Coast Guard seven full working days prior to the planned entry, excluding date of receipt of such request.

Sincerely yours,

[Signed—Signé]³

Head of the Delegation
of the United States of America

The Head of the Delegation
of the People's Republic of Bulgaria

¹ Signed by J. R. Perry—Signé par J. R. Perry.

² Signed by V. Tzanov—Signé par V. Tzanov.

³ Signed by J. R. Perry—Signé par J. R. Perry.

II

Letter—Annex No. 2

Dear Sir,

I have the honour to acknowledge receipt of your letter of today with the following contents:

[*See letter I*]

The above letter has been taken into account by the Bulgarian side.

Sincerely yours,

[*Signed—Signé*]¹
Head of the Delegation
of the People's Republic of Bulgaria

The Head of the Delegation
of the United States of America

¹ Signed by V. Tzanov—Signé par V. Tzanov.