

No. 21153

**BELGO-LUXEMBOURG ECONOMIC UNION
and
BULGARIA**

**Maritime Agreement. Signed at Brussels on 24 February
1976**

Authentic texts: French, Dutch and Bulgarian.

Registered by the Belgo-Luxembourg Economic Union on 21 July 1982.

**UNION ÉCONOMIQUE BELGO-LUXEMBOURGEOISE
et
BULGARIE**

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[TRANSLATION — TRADUCTION]

MARITIME AGREEMENT¹ BETWEEN THE BELGO-LUXEMBOURG ECONOMIC UNION AND THE PEOPLE'S REPUBLIC OF BULGARIA

The Government of the Kingdom of Belgium, on its own behalf and on behalf of the Government of the Grand Duchy of Luxembourg, by virtue of existing agreements, on the one hand, and

The Government of the People's Republic of Bulgaria, on the other,

Desiring to ensure the harmonious development of maritime exchanges between the Belgo-Luxembourg Economic Union and the People's Republic of Bulgaria, based on freedom of commercial navigation,

Have agreed as follows:

Article 1. This Agreement shall apply to the territories of the Kingdom of Belgium and the Grand Duchy of Luxembourg, on the one hand, and to the territory of the People's Republic of Bulgaria, on the other.

Article 2. For the purposes of this Agreement:

1. The term "ship of a Contracting Party" means any commercial vessel registered in the territory of that Party and flying its flag;

2. The term "crew member of a ship" means the master and any person who is employed for duties on board during a voyage in the working or service of a ship and whose name is included in the crew list.

Article 3. The co-operation between the two Contracting Parties in the field of commercial maritime navigation shall be based on the principles of equality, mutual interest and mutual assistance.

Article 4. The Contracting Parties reaffirm their commitment to the principle of freedom of commercial navigation and agree to refrain from any action which may jeopardize the normal development of international navigation.

Article 5. 1. The two Contracting Parties shall encourage the participation of their ships in maritime traffic between their ports, avoiding any kind of discrimination in respect of ships, their crews and cargo and removing any obstacles which could be prejudicial to the development of maritime relations and to the various activities arising from such relations.

2. The provisions of this article, which take into account the mutual interests of the two Contracting Parties, shall not affect the right of ships flying the flag of third countries to participate in maritime transport between the ports of the two Contracting Parties.

Article 6. 1. Each Contracting Party shall accord the same treatment in its ports to ships flying the flag of the other Party as it accords to its own ships in respect of the levying of port dues and charges and in respect of access to ports, freedom of entry, stay and departure, use of the ports and all the facilities it provides for navigation and commercial transactions to ships and their crews, passengers and cargoes. This provision refers in particular to the allocation of docking space and loading and unloading facilities.

¹ Came into force on 1 January 1982, i.e., the first day of the second month following the date of the last of the notifications (effected on 27 October and 18 November 1981) by which the Parties informed each other of the completion of the constitutional procedures, in accordance with article 21.

2. The provisions of the preceding paragraph shall not apply to navigation, activities and transport which are legally reserved by each of the two Parties for itself and, in particular, to port services, towage, pilotage, the domestic coasting trade and maritime fisheries or to the formalities concerning the admission and residence of aliens.

Article 7. Each of the Contracting Parties shall have the right, through its national maritime companies, to maintain in the territory of the other Contracting Party, in accordance with the latter's legislation, a general office for ships flying its flag.

Article 8. The Contracting Parties shall, within the limits of their laws and port regulations, take the necessary measures to reduce, in so far as possible, the length of stay of ships in ports and to simplify the completion of administrative, customs and health formalities in the ports.

Article 9. 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 said other Contracting Party in accordance with its laws and regulations.

Article 10. Tonnage certificates and other ship's documents issued or recognized by either Contracting Party shall also be recognized by the other Party.

Ships of either Contracting Party carrying tonnage certificates which have been legally issued shall be exempt from further tonnage checks in the ports of the other Party.

Article 11. Each Contracting Party shall recognize the seafarer's identity documents issued by the competent authorities of the other Contracting Party and shall accord to the holders of such documents the rights envisaged in articles 12 and 13 of this Agreement, under the conditions stipulated therein.

Such identity documents shall be:

— For the Kingdom of Belgium and the Grand Duchy of Luxembourg, the “*zeemansboekje*” (seafarer's identity book);

— For the People's Republic of Bulgaria, the “*moryashki pasport*” (seafarer's passport).

Article 12. Persons in possession of the identity documents referred to in article 11 of this Agreement who are crew members of a ship of the Contracting Party which issued the identity document 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 ship's crew list and in the crew list submitted by the master of the ship to the port authorities.

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

Article 13. 1. Persons holding the identity documents referred to in article 11 of this Agreement shall be authorized, irrespective of the means of transport used, to enter the territory of the other Contracting Party or pass through that territory in order to rejoin their ship, transfer to another ship, return to their own country or travel for any other purpose, subject to prior approval by the authorities of the said other Contracting Party.

2. In all the cases referred to in the preceding paragraph, the identity documents must bear the visa of the other Contracting Party. The visa shall be issued as quickly as possible.

3. If a crew member holding an identity document referred to in article 11 of this Agreement 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 competent authorities, the latter shall give the necessary authorizations for the person concerned to remain in the territory of their State if he requires hospitalization and either to return to his country of origin or to proceed to another port of embarkation, by any means of transport.

4. Persons holding the identity documents referred to in article 11 of this Agreement who are not nationals of one of the Contracting Parties shall, in order to rejoin their ships and provided that they carry embarkation orders, be issued the necessary visas for the territory of the other Contracting Party, on condition that readmission to the territory of the Contracting Party which issued the identity document is guaranteed.

Article 14. Each Contracting Party shall provide medical care, in accordance with its national laws and regulations, to crew members of the other Party.

Article 15. 1. Without prejudice to the provisions of articles 11 to 14 of this Agreement, the provisions in force in the territory of the Contracting Parties concerning the entry, residence and departure of aliens shall remain applicable.

2. The Contracting Parties reserve the right to refuse admission to their respective territories to persons holding the aforesaid seafarer's documents whom they regard as undesirable.

Article 16. 1. The competent authorities of one Contracting Party shall not intervene in disputes concerning a contract for maritime service which arise on board a ship of the other Contracting Party unless a request is made by the competent diplomatic or consular official of the ship's flag State.

2. If a crew member of a ship of a Contracting Party commits an offence on board the ship while the ship is in the territorial waters of the other Contracting Party, the authorities of the State where the ship is situated shall not initiate proceedings against him without the consent of a competent diplomatic or consular official of the ship's flag State, unless, in their opinion:

- (a) The consequences of the offence affect the territory of the State where the ship is situated; or
- (b) The offence is such as to disturb public order or safety; or
- (c) The offence constitutes a serious crime under the law of the State where the ship is situated; or
- (d) The offence was committed against a person who is not a crew member; or
- (e) The institution of proceedings is necessary for suppressing the traffic in narcotic drugs.

3. The provisions of paragraph 2 of this article shall not affect the rights of the competent authorities in all matters relating to the application of laws and regulations concerning the admission of aliens, customs and public health and to other measures of control relating to the safety of ships and ports, the protection of human life and the security of cargoes.

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

If a ship has been damaged, its cargo and the supplies on board shall be exempt from customs duties unless they are delivered for local consumption or use.

Article 18. Payments and all expenses relating to maritime transport between the two Contracting Parties shall be settled in accordance with the provisions of the payments agreement in force between the two Parties.

Article 19. The Contracting Parties agree that neither of them shall impose any form of taxation on income and other receipts from maritime transport undertaken by transport organizations and companies of the other Contracting Party.

Article 20. 1. The Contracting Parties shall, within the limits of their legislation, continue to endeavour to maintain and develop effective and business-like co-operation between the authorities which are competent in the area of maritime transport in their countries.

2. A mixed commission, consisting of representatives of the Contracting Parties, shall meet at the request of either of them to consider the implementation of this Agreement. To that end, the commission shall be empowered to submit to the Contracting Parties any recommendations it considers useful.

Article 21. Each of the Contracting Parties shall notify the other of the completion of the procedures required under its constitution for the entry into force of this Agreement, which shall enter into force on the first day of the second month following the date of the last notification.

This Agreement is concluded for an indefinite period. It may be denounced on 12 months' notice.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Brussels on 24 February 1976, in duplicate in the French, Dutch and Bulgarian languages, the three texts being equally authentic.

For the Governments
of the Kingdom of Belgium
and of the Grand Duchy of Luxembourg:

[Signed]
JOS. CHABERT

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

[Signed]
VASSIL TZANOV
