

No. 21225

**MEXICO
and
BULGARIA**

**Agreement concerning shipping. Signed at Sofia on 12 July
1978**

*Authentic texts: Spanish and Bulgarian.
Registered by Mexico on 27 August 1982.*

**MEXIQUE
et
BULGARIE**

**Accord relatif aux transports maritimes. Signé à Sofia le
12 juillet 1978**

*Textes authentiques : espagnol et bulgare.
Enregistré par le Mexique le 27 août 1982.*

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING SHIPPING

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

Having regard to their common interest in the development of shipping between the two countries;

Desiring to further the development of international merchant shipping on the basis of the principles of the freedom of navigation;

Recognizing the importance of ensuring effective and regular shipping between the two countries and the desirability of broadening and diversifying the economic relations between them,

Have agreed as follows:

Article I. For the purposes of this Agreement:

1. The term "vessel of a Contracting Party" means any vessel registered in the shipping register of the merchant marine of the Party in question and flying its flag; the term does not include warships.

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

Article II. The Contracting Parties shall promote the freedom of merchant shipping in every possible way and shall refrain from any action which might be prejudicial to the normal development of international shipping.

Article III. The Contracting Parties shall continue to make every effort, within the limits of their legislation, to support and develop co-operation between the authorities responsible for shipping in their countries.

In particular, the Contracting Parties agree to hold mutual consultations, to exchange information between the governmental organs responsible for shipping in their countries and to encourage the development of contacts between shipping organizations and shipping enterprises of the two countries.

Article IV. 1. In order to facilitate Mexican-Bulgarian trade, the Contracting Parties shall promote the establishment of joint regular shipping between the ports of the United Mexican States and the ports of the People's Republic of Bulgaria with the equal participation of Mexican and Bulgarian tonnage in respect of the quantity of transported cargo and freight costs.

For the operation of the said regular shipping, the competent maritime authorities of the Contracting Parties shall designate national shipping enterprises which

¹ Came into force on 28 March 1979, i.e., 30 days after the Contracting Parties had notified each other (on 31 October 1978 and 26 February 1979) of the completion of the procedures required under their legislation, in accordance with article XIX.

shall conclude an agreement between them on tariffs and other commercial and organizational conditions for providing transport service between the ports of Mexico and the People's Republic of Bulgaria.

When the designated national shipping enterprises are not able to provide the relevant services, the competent authorities of the Contracting Parties shall not hinder, and shall permit, the loading of cargoes on board vessels belonging to other national shipping enterprises or to third flags.

2. The provisions of paragraph 1 of this article must not create unnecessary delays in the handling of cargo in the ports of the Contracting Parties.

3. The provisions of this article shall not affect the legislation of either Contracting Party regarding the transport of oil and oil products.

Article V. The agreement on tariffs and shipping conditions shall take account of the interests of the charterers and shall be subject to approval by the competent maritime authorities of the two Contracting Parties.

If no understanding is reached concerning an agreement on tariffs and shipping conditions, the authorized enterprises shall submit the case to the competent maritime authorities for its definitive solution.

The tariffs and any modifications or amendments to them shall enter into force after approval by the competent maritime authorities, in cases where such approval is necessary.

Article VI. The competent maritime authorities of the Contracting Parties shall establish the time-limits for informing each other of the approval or disapproval of tariffs and shipping conditions and the time-limits for notifying charterers of any change in tariffs or shipping conditions.

Article VII. If the application of tariffs, charter costs or shipping conditions is prejudicial to the interests of trade, of the charterers or of the carriers, the Contracting Parties shall, within the limits of their respective jurisdictions, encourage consultations between the parties concerned.

Article VIII. The parties to the agreement on tariffs and shipping conditions shall make available to the competent maritime authorities of their country, upon request, information regarding their activities within the framework of the said agreement.

Article IX. 1. The Contracting Parties shall grant permission for the opening of missions of maritime organizations of one Party in the territory of the other Party.

2. The activity of the above-mentioned missions shall be subject to the respective laws and regulations in force in the territory of the host country.

Article X. 1. In respect of free access to ports, the use of ports for loading and unloading, the taking on and discharging of passengers, the payment of shipping and other dues and taxes, the use of services intended for navigation, and the conduct of normal commercial transactions, each Contracting Party shall accord the same treatment to the vessels of the other Contracting Party as it accords to its own vessels engaged in international transport.

2. The provisions of paragraph 1 of this article:

- (a) Shall not extend to ports which are not open for the use of foreign vessels;
- (b) Shall not affect the right of the Contracting Parties to take measures to ensure national security;
- (c) Shall not apply to activities which each Contracting Party reserves for its organizations or enterprises, including, in particular, national cabotage and marine fishing, where "national cabotage" means water transport between ports and geographical points of the same country in accordance with its legislation;
- (d) Shall not oblige either Contracting Party to extend to vessels of the other Contracting Party such exemptions from the rules concerning compulsory pilotage as it extends to its own vessels;
- (e) Shall not affect the application of regulations concerning the admission and residence of aliens.

3. The application of this Agreement shall in no way subject the merchant fleets of the two countries to less advantageous conditions of competition than those enjoyed by the fleets of other countries.

Article XI. The Contracting Parties shall, within the limits of their legislation and port regulations, take all necessary measures to facilitate and expedite maritime transport, to prevent unnecessary delays of vessels and, where possible, to expedite and simplify the completion of customs and other port formalities.

Article XII. 1. The documents certifying the nationality of vessels, tonnage certificates and other ship's documents issued or recognized by either Contracting Party shall be recognized by the other Party.

2. Vessels of one Contracting Party carrying a lawfully issued tonnage certificate shall be exempt from remeasurement in the ports of the other Party, and the vessel's net tonnage indicated in the certificate shall be taken as the basis for calculating shipping dues.

Article XIII. Since the Contracting Parties are signatories to International Labour Organisation Convention No. 108 concerning Seafarers' National Identity Documents, of 1958,¹ each Party undertakes to grant to the holders of identity documents issued by the competent authorities of the other Party the privileges provided for in the aforementioned Convention.

The relevant identity documents are: for seamen of Mexican vessels, a Seaman's Identity Card of the United Mexican States; for seamen of Bulgarian vessels, a Seaman's Passport of the People's Republic of Bulgaria.

Article XIV. 1. If a vessel of either Contracting Party is wrecked, runs aground on a shoal or on shore or sustains any other damage off the coast of the other Party, the vessel and its cargo shall enjoy the same advantages in the territory of the latter Party as are granted to national vessels and cargoes.

2. The same protection and assistance as in the case of national vessels shall be afforded at all times to the crew members and passengers and to the vessel and its cargo.

¹ United Nations, *Treaty Series*, vol. 389, p. 277.

3. Cargo and articles unloaded or salvaged from a vessel in the circumstances described in paragraph 1 of this article shall be exempt from customs duties unless they are delivered for use or consumption in the territory of the other Contracting Party.

Article XV. 1. Where a member of the crew of a vessel of either Contracting Party commits an offence on board the said vessel while it is in the internal marine waters of the other Contracting Party, the authorities of the latter Party shall not institute legal proceedings against him without the consent of a competent diplomatic or consular official of the flag State of the vessel unless, in the opinion of the said authorities:

- (a) The consequences of the offence extend to the territory of the State in which the vessel is situated;
- (b) The offence disturbs the public order or the security of the said State;
- (c) The offence constitutes a grave crime under the legislation of the said State;
- (d) The offence has been committed against a person who is not a member of the crew of the said vessel.

2. The provisions of paragraph 1 shall not affect the right of control and inquiry possessed by the authorities of each Contracting Party under its legislation.

Article XVI. 1. For the purposes of this Agreement, the term “competent maritime authorities” means: in the United Mexican States, the General Administration of the Merchant Marine, Ministry of Communications and Transport, and in the People’s Republic of Bulgaria, the Ministry of Transport.

2. If, because of a change in the legislation of either Contracting Party, the competence of the maritime authorities mentioned in paragraph 1 of this article is altered, information regarding the new authorities shall be communicated to the other Contracting Party through the diplomatic channel.

Article XVII. The Contracting Parties agree to establish a Joint Consultative Commission, composed of representatives of each Party, for the purpose of evaluating the results of the implementation of this Agreement and promoting its effective operation.

The Commission shall hold regular meetings at least once a year and extraordinary meetings at any time, at the request of either Party, within 45 days after the date on which the request is received by the other Party.

The Commission shall hold its regular meetings alternately in Mexico and in Bulgaria. In the case of extraordinary meetings, the venue shall be determined by agreement between the Parties.

During the period between the meetings of the Commission, the competent maritime authorities may communicate with each other through the normal working channels.

Article XVIII. This Agreement may be reviewed or amended, if necessary, with the mutual consent of the Contracting Parties. Such amendments shall be approved through an exchange of diplomatic notes.

Article XIX. Each Contracting Party shall notify the other Party of the completion of the procedures required under its legislation for the entry into force of this

Agreement, which shall enter into force 30 days after the date of receipt of the last notification.

This Agreement shall be valid for a period of five years after the date of its entry into force. It shall be extended automatically for additional periods of the same length unless either Contracting Party at any time notifies the other Party, giving 180 days' notice of its intention to terminate it.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Sofia on 12 July 1978, in duplicate, in the Spanish and Bulgarian languages, both texts being equally authentic.

For the Government
of the United Mexican States:

[Signed]

JOSÉ JUAN VELARDE BONNIN
Under-Secretary of Ports and the Mer-
chant Marine, Ministry of Communi-
cations and Transport

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

[Signed]

EMIL ZAHARIEV
Deputy Minister of Transport
