

No. 21949

**BELGO-LUXEMBOURG ECONOMIC UNION
and
ALGERIA**

Maritime Agreements. Signed at Algiers on 17 May 1979

Authentic texts: French, Dutch and Arabic.

Registered by the Belgo-Luxembourg Economic Union on 23 June 1983.

**UNION ÉCONOMIQUE BELGO-LUXEMBOURGEOISE
et
ALGÉRIE**

Accord maritime. Signé à Alger le 17 mai 1979

Textes authentiques : français, néerlandais et arabe.

Enregistré par l'Union économique belgo-luxembourgeoise le 23 juin 1983.

[TRANSLATION — TRADUCTION]

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

The Government of the Kingdom of Belgium, on its behalf and on behalf of the Government of the Grand Duchy of Luxembourg, pursuant to existing agreements, on the one hand,

The Government of the People's Democratic Republic of Algeria, on the other,

Desiring to ensure the harmonious development of maritime exchanges between the Belgo-Luxembourg Economic Union and the People's Democratic Republic of Algeria,

Considering the desirability of developing trade between the two Contracting Parties,

Considering the mutual interest of the two Contracting Parties in facilitating shipping between the two countries under their flags,

Have agreed as follows:

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

Article 2. 1. The term "ship of the Contracting Party" means any merchant vessel registered in the territory of that Party and flying its flag, in accordance with its laws.

This term shall not, however, include:

- (a) Warships;
- (b) Any ship while in the service of the armed forces;
- (c) Ships performing any kind of non-commercial State activity;
- (d) Ships performing non-commercial activities such as hospital ships and ships used for scientific research.

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

Article 3. Shipping between Belgian ports and Algerian ports shall be carried on by ships flying the flag of either Contracting Party, in accordance with their laws.

Article 4. The two Contracting Parties shall grant their national merchant marine fleets the right to ship an equal share of the traffic, on the basis of the weight, volume and total amount of the cargo, without discrimination in respect of the vessels assigned to the said traffic within the framework of the Liner Conference between Belgium and Algeria.

¹ Came into force on 1 November 1982, i.e., the first day of the second month following the date of the last of the notifications (effected on 11 May 1981 and 25 September 1982) by which the Contracting Parties informed each other of the completion of the required legal formalities, in accordance with article 21.

Article 5. The procedures for implementing the provisions of article 4 shall be determined at the relevant liner conference concerning maritime relations between the two Contracting Parties.

For the purpose of implementing the provisions of articles 3, 4, 6, 7, paragraph 1, 8, 17 and 18, ships chartered by either Contracting Party shall be considered as flying the flag of that Contracting Party.

Article 6. The Contracting Parties pledge to renounce any form of discrimination with regard to ships assigned to this traffic and to co-operate in removing obstacles which may hinder the development of maritime trade between the two Contracting Parties.

Article 7. 1. Each Contracting Party shall accord the same treatment in its ports to the ships of the other Party as it accords to its own ships in respect of the levying of port dues and charges, access to ports, freedom of entry, stay and departure and the 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.

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

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 applicable in the ports.

As regards those formalities, the treatment accorded in a national port of either Contracting Party to any ship used by the shipping line of the other Contracting Party shall be that reserved for ships used by the shipping line of the first Contracting Party.

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 other Contracting Party in accordance with its laws and regulations.

Article 10. Tonnage certificates and other documents on board issued or recognized by one of the Contracting Parties shall also be recognized by the other Contracting Party.

The ships of each Contracting Party bearing legally issued tonnage certificates shall be exempt from remeasurement in the ports of the other Contracting 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 grant to the bearers of such documents the rights provided for in articles 12 and 13, under the conditions set forth therein. Such documents shall be, in the case of the Kingdom of Belgium and the Grand Duchy of Luxembourg, the *Zeemansboek* (seafarer's book) and, in the case of the People's Democratic Republic of Algeria, the *Dirasat al'malahah al-bahriyah* (maritime shipping manual).

Article 12. Persons in possession of the identity documents referred to in article 11 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 crew list and in the 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 identity documents issued by a Contracting Party as referred to in article 11 shall, regardless of the means of transport used, be entitled to enter the territory of the other Contracting Party or to pass through that territory in order to rejoin their ship, transfer to another ship, return to their country or travel for any other purpose, subject to prior approval by the authorities of that other Contracting Party.

2. In all the cases referred to in paragraph 1, the identity documents must bear the visa of the other Contracting Party. The visas shall be issued as quickly as possible.

3. If a crew member holding an identity document referred to in paragraph 1 is put ashore in a port of the other Contracting Party for health or service reasons or for other reasons recognized as valid by the competent authorities, the said authorities shall provide the necessary permits for the person concerned to remain in their territory (in case of hospitalization) or to return to his country of origin or proceed to another port of embarkation, by any means of transport.

4. Persons holding the identity documents referred to in article 11 who are not nationals of one of the Contracting Parties shall be granted the necessary entry or transit visas required 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. 1. Without prejudice to the provisions of articles 11 to 13,¹ 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 or stay in their respective territories to persons holding the aforesaid seafarer's identity documents whom they regard as undesirable.

Article 15. The masters of ships flying the flag of a Contracting Party whose crew strength is reduced as a result of illness or other causes may, provided that they comply with the laws and regulations of the competent authorities, supplement their crew in the territory of the other Contracting Party, in order to continue their voyage and to ensure the safe navigation of the ship.

The regulations applicable to the supplementary crew shall be those of the country under whose flag they are signed on.

Article 16. 1. The judicial authorities of one Contracting Party may entertain civil proceedings concerning a contract of maritime service as a crew member of a ship of the other Contracting Party only with the consent of the competent diplomatic or consular officer of the ship's flag State.

¹ In the authentic Arabic text of the Agreement, the phrase "11 to 13" reads "13-14".

2. If a crew member of a ship of a Contracting Party commits an offence on board the ship while it is in the territorial waters of the other Contracting Party, the authorities of the State where the ship is situated shall not institute legal proceedings against him without the consent of a competent diplomatic or consular officer 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, public health or 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 along the coast of the other Contracting Party, the competent authorities of that other Contracting Party shall render to the passengers, and also to the ship and cargo, the same aid and assistance as to a ship flying its own flag.

A ship which has been damaged, its cargo and the supplies on board shall be exempt from customs duties unless they are delivered for consumption or used in the territory of the other Contracting Party.

Article 18. Disagreements within the framework of the Liner Conference shall be submitted to arbitration agreed upon between the members of the aforesaid conference.

At the request of either of the Contracting Parties a disagreement may be submitted to the Joint Commission provided for in article 20 of this Agreement.

In no case may the ships of a Contracting Party be detained or arrested in the ports of the other Contracting Party.

Article 19. 1. The income and profits which a shipping company having its centre of actual management in the territory of a Contracting Party earns from shipping shall be subject to income taxes and similar or analogous taxes only in the territory of the said Contracting Party.

2. The income and profits referred to in paragraph 1 may be either used for payment in the territory of the Contracting Party in which they have been earned or freely transferred abroad in accordance with the existing legal and statutory provisions in force in the territory of the Contracting Party concerned.

Article 20. A Joint Commission, composed of representatives appointed by the Governments concerned, shall meet at the request of either of the Contracting Parties to consider any questions which may arise from the implementation of this Agreement.

The Joint 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 Contracting Party of the completion of the procedures required by their respective laws.

This Agreement shall enter into force on the first day of the second month following the date of the last notification.

Article 22. 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 Algiers on 17 May 1979,¹ in duplicate in the French, Dutch and Arabic languages, the three texts being equally authentic.

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

[Signed]

HENRI SIMONET

For the Government
of the People's Democratic Republic
of Algeria:

[Signed]

MOHAMED BENYAHIA

¹ In the authentic Arabic text of the Agreement, the date of 17 April 1979 is indicated instead of 17 May 1979.