

No. 23149

**GREECE
and
GERMAN DEMOCRATIC REPUBLIC**

**Agreement on merchant shipping. Signed at Berlin on
13 May 1981**

Authentic text: English.

Registered by Greece on 28 November 1984.

**GRÈCE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord relatif à la marine marchande. Signé à Berlin le
13 mai 1981**

Texte authentique : anglais.

Enregistré par la Grèce le 28 novembre 1984.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE HELLENIC REPUBLIC AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC ON MERCHANT SHIPPING

The Government of the Hellenic Republic and the Government of the German Democratic Republic (hereinafter referred to as the Contracting Parties),

Desirous of strengthening the friendly relations between the two countries, by developing their co-operation in the field of merchant shipping, and with a view to contributing to the development of international shipping on the basis of the principles of the freedom of merchant navigation,

Bearing in mind the principles laid down in international law and particularly in international shipping Conventions to which both Parties are members,

Desiring to develop the friendly relations between the two States in accordance with the Final Act of Helsinki,²

Have decided to conclude the present Agreement.

Article 1. The Contracting Parties shall develop their co-operation in the field of merchant shipping on the basis of equal rights, mutual benefit and the principles of the freedom of the merchant navigation, and shall refrain from any action that could affect the development of international shipping based on the above-mentioned principles.

Article 2. For the purpose of this Agreement:

(1) The term "vessel of the State of one Contracting Party" shall mean any vessel registered in the shipping register of this State and flying the flag of the State of this Contracting Party.

This term shall not, however, include:

- (a) Warships and auxiliary ships of the Navy;
- (b) Vessels which are performing exclusively administrative or state function;
- (c) Scientific research vessels;
- (d) Fishing vessels.

(2) The term "member of the crew" shall mean the master and any person actually employed for duties on board during a voyage in connection with the duties and services on board and included in the crew list.

(3) The term "cabotage" includes any transport of goods which, although accompanied by a through bill of lading and no matter what their origin of destination, are transhipped whether directly or indirectly at the ports of either of the State of the Contracting Parties to be carried to another port of the State of the same Contracting Party. The same provisions shall apply in the case of passengers even if they carry through tickets.

¹ Came into force on 26 July 1984, i.e., 30 days after the date of the last of the letters by which the Contracting Parties had notified each other (on 3 July 1981 and 26 June 1984) of its approval, in accordance with article 20 (2).

² *International Legal Materials*, vol. XIV (1975), p. 1292 (American Society of International Law).

Article 3. (1) The Contracting Parties, within the limits of the respective national legislation, shall continue their efforts to maintain and develop an effective relationship between the competent authorities in their countries. In particular, the Contracting Parties agree to carry on mutual consultations and exchange of information between the respective competent authorities and to encourage development of contacts between their shipping organisations and enterprises.

(2) The competent authorities of the Contracting Parties are:

- On the part of the Hellenic Republic, the Ministry of Mercantile Marine,
- On the part of the German Democratic Republic, Ministerium für Verkehrswesen der Deutschen Demokratischen Republik.

Article 4. (1) The Contracting Parties agree to follow in international shipping, the principles of free and fair competition and in particular:

- (a) To promote participation of their vessels in sea trade between the ports of the States of the Contracting Parties;
- (b) To co-operate in the elimination of obstacles which might hamper the development of sea trade between the ports of their countries;
- (c) For the purpose of effectively utilizing their vessels in sea trade between the ports of the States of the Contracting Parties and the ports of third countries to support measures which would ensure the participation of their vessels in this trade on a free and commercially competitive basis and to abstain from measures and practices preventing such participation.

(2) The provisions of this article shall not affect the right of vessels of third countries to participate in sea trade between the ports of the Contracting Parties.

(3) With the view of implementing the provisions of this article, the shipping companies owning vessels of the flag of the State of either Contracting Party are free to operate individual or joint liner services as well as to conclude with each other agreements on technical-organisational and commercial matters.

Article 5. (1) Each Contracting Party shall afford to vessels of the State of the other Contracting Party, their crews, passengers and cargoes the same treatment it affords to its own vessels, engaged in international voyages, their crews, passengers and cargoes, when entering, staying in or sailing from a port of the State of that Contracting Party.

(2) The provisions of paragraph 1 shall apply to:

- (a) Any dues and charges levied on behalf or on account of State authorities or other organisations as well as to the manner in which they are collected;
- (b) Mooring and unmooring, loading and unloading of vessels in the ports and on roadsteads;
- (c) Pilotage and towage, the use of canals, locks, bridges, signals and fairway lightings;
- (d) The use of cranes, weighbridges, warehouses, dockyards, docks and repair shops;
- (e) The supply with fuel, lubricants, water and food;
- (f) Medical and sanitary care.

(3) The provisions of paragraphs 1 and 2 shall not:

- (a) Apply to ports not open to the entry of foreign vessels;
- (b) Apply to activities reserved by each of the Contracting Parties for their national organisations or enterprises, including in particular cabotage, sea fishing, pilotage, towage, salvage and maritime assistance;
- (c) Affect the regulations concerning entry and stay of foreigners;
- (d) Oblige either Contracting Party to extend to vessels of the State of the other Contracting Party exemptions from compulsory pilotage requirements granted to its own vessels.

(4) The Contracting Parties shall afford to each other a treatment same to that of the most-favoured nation in all other matters related to shipping.

The provisions of this paragraph shall not apply to advantages resulting from the participation of each Contracting Party to an Economic Community of any kind.

Article 6. Any vessels of each of the States of the two Contracting Parties when sailing into a port of the State of the other Party for the purpose of discharging part of their cargo may, after complying with the laws and regulations of the country in question, keep aboard that part of their cargo which is destined for another port either in the same or another country, or transfer it to another vessel without payment of any extra dues, apart from those levied on the national flag vessels.

In the same way, any vessels of each of the States of the two Contracting Parties may call at one or more ports of the State of the other Party for the purpose of picking up the whole or part of their cargo destined for foreign ports without payment of dues other than those levied in similar cases on the national flag vessels.

Article 7. The Contracting Parties shall adopt, within the limits of their national legislation and port regulations as well as of their obligations under international law, all necessary measures to facilitate and expedite maritime traffic, to prevent unnecessary delays to vessels, and to expedite and simplify as much as possible the carrying out of customs and other formalities applicable in ports.

Article 8. (1) The documents certifying the nationality of vessels, certificates of tonnage and other ship documents issued or recognized by one of the Contracting Parties shall be recognized by the other Party.

(2) Apart from a judicial sale vessels of either of the State of the Contracting Parties cannot be registered in the Registry of the other Party without presentation of a certificate, issued by the competent authorities of the vessel's original country, stating that the vessel has been written off the Registry of this country.

(3) The vessels of the States of each of the Contracting Parties holding legally issued certificates of tonnage shall not be subject to remeasurement in the ports of the State of the other Party and the tonnage of the vessel noted in the certificate shall be taken as the basis for calculation of the port dues of any kind or name.

Article 9. (1) Each of the Contracting Parties shall recognize the identity documents which have been issued by the competent authorities of the other

Contracting Party for members of the crew who are nationals of the State of this Contracting Party, and grant to the persons who possess the identity documents the rights mentioned in articles 10 and 11 of this Agreement, on the conditions specified in them. These identity documents are:

- In the case of nationals of the Hellenic Republic: a Greek seamen's book or a Greek passport,
- In the case of nationals of the German Democratic Republic: *Seefahrtsbuch der Deutschen Demokratischen Republik*.

(2) The provisions of articles 10 and 11 of this Agreement shall apply correspondingly to any person who is not a national of the State of either Contracting Party but possesses an identity document in conformity with the provisions of the Convention No. 108 of the International Labour Organization of 1958 concerning seafarers national identity documents.¹ Such an identity document shall be issued by a State which is a Party to this Convention and shall guarantee the readmission of the holder to the country which issued the documents.

(3) The provisions of articles 10 and 11 of this Agreement shall, within the framework of the relevant national laws and regulations of the respective State of the Contracting Parties apply to any person who is not a national of the Hellenic Republic or a national of the German Democratic Republic and possesses an identity document other than those referred to in paragraph 2 of this article.

Article 10. (1) Holders of seamen's documents specified in article 9 of the present Agreement are permitted, in the case of being members of the crew of the vessel of the State of the Contracting Party, which issued the identity document, to stay for temporary shore leave in the port town without visas during the stay of the vessel in a port of the State of the other Contracting Party provided that the master has submitted the crew list to the competent authorities in accordance with the regulations in force in that port.

While landing and returning to the vessel the persons mentioned are subjected to frontier and customs control in force in that port.

(2) Masters of merchant vessels of the State of one Contracting Party will receive from the local authorities of the other Party any assistance which will be required for the return of the deserters to their vessels.

This paragraph is not applicable to deserters who are nationals of the State where they desert.

Article 11. (1) Holders of the seamen's identity documents specified in article 9 of the present Agreement are permitted as passengers of any means of transport to enter the territory of the State of the other Contracting Party or to pass through its territory in transit whenever they are on the way to their vessel or moving to another vessel, on the way to their country or going for any other reason which will be approved by the authorities of this other Contracting Party, according to the procedure laid down in the Convention No. 108 of the International Labour Organization of 1958.

(2) In all the cases specified in paragraph 1 of this article, the seamen must have corresponding visas of the other Contracting Party which shall be granted by the competent authorities within the shortest possible time.

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

(3) In case of the holder of seamen's identity document specified in article 9 of the present Agreement not being a national of the State of either Contracting Party, the visas specified in this article for entry into or transit passage via the territory of the State of the other Contracting Party shall be granted provided that he holds written order issued by the shipping company, the master of the vessel or any person authorized by them and his return to the territory of the State of the Contracting Party which had issued the seamen's identity document is guaranteed to the holder of such document.

(4) Changes regarding the crew of a vessel that is at a port of the State of the other Contracting Party shall be recorded in the language of the flag State in the appropriate vessel's documents indicating the date of the change.

Article 12. (1) Notwithstanding the provisions of [articles] 9-11 of the present Agreement, the regulations in respect of the entry, stay and departure of foreigners are kept fully in force in the territories of the States of the Contracting Parties.

(2) Each of the Contracting Parties reserves the right to deny entry to and/or stay in its territory to seamen whom it considers undesirable.

Article 13. (1) The vessels, crews, passengers and cargoes of the State of one Contracting Party, whilst in the territorial waters and internal waters and within seaports of the State of the other Contracting Party shall to the extent allowable by the relevant international Conventions in force related to the law of the sea be subject to the respective national laws and regulations in force, especially to the rules concerning traffic and safety as well as public order, frontier crossing, customs, foreign exchange, health, veterinary and phytosanitary controls issued by the Contracting Parties in accordance with the principles of the respective international Conventions.

(2) While in the territorial waters and internal waters and within the seaports of the State of one Contracting Party, vessels of the State of the other Contracting Party shall be subject to the regulations relating to equipment, facilities, ship's safety devices, measurement and seaworthiness in force in the State of their flag.

(3) Nothing in this article shall prevent the right of each Contracting Party to inspect vessels whilst in a port of their State in order to ensure that they comply with rules of international Conventions in force related to maritime safety and protection of marine environment which both Contracting Parties have accepted.

Article 14. (1) The judicial authorities of one Contracting Party shall not undertake any civil proceedings related to a Contract of employment of a crew member on board a vessel of the State of the other Contracting Party.

(2) In case a member of the crew of the State of one of the Contracting Parties shall commit an offence on board the vessel while the vessel being within the internal waters of the State of the other Contracting Party, the authorities of this other Party shall not prosecute him without consent of the competent diplomatic or consular officials of the country of flag of the vessel except if:

- (a) The consequences of the offence extend to the territory of the coastal State; or
- (b) The offence is of a kind to disturb the public order or the security of the coastal State; or

(c) The prosecution is necessary for struggle against prohibited traffic of narcotic drugs.

In such cases notification will be made as soon as possible to the competent diplomatic or consular officials of the State of flag of the vessel.

(3) The provisions of paragraph 2 of this article do not affect the rights of control and inquiry, which the authorities of each of the Contracting Parties have under their national legislation.

Article 15. (1) If a vessel of the State of one of the Contracting Parties suffers shipwreck, runs aground, is cast ashore or suffers any other accident off the coast of the State of the other Contracting Party the vessel and the cargo shall enjoy, in the territory of the State of the latter Party, the same treatment which [is] accorded to a national vessel and cargo.

(2) The crew and passengers as well as the vessel itself and its cargo shall be granted, at any time, help and assistance to the same extent as in the case of a national vessel.

(3) The cargo and articles unloaded or saved from the vessel specified in paragraph 1 of this article, provided they are not delivered for use or consumption in the territory of the State of the other Contracting Party, shall not be liable to any customs duties.

(4) The vessel so stranded or wrecked as well as all its parts, debris, or accessories and all appliances, riggings, provisions and goods salvaged, including those jettisoned by such vessels or by vessels in distress, or the proceeds thereof if sold, as well as all documents found aboard the stranded or wrecked vessel or belonging to it, shall be delivered to the owner or his representatives when claimed by them.

(5) Nothing in this article shall prejudice any claim for salvage or assistance given to a vessel, its passengers, crew and cargo.

Article 16. Income derived from the operation in international traffic of vessels registered in the State of one Contracting Party shall be exempt in the State of the other Contracting Party from dues or taxes of any kind.

Article 17. (1) Each Contracting Party shall permit members of diplomatic and consular representations of the State of the other Contracting Party entry into its sea ports according to the respective national laws and regulations in force for the purpose of boarding vessels under the flag of their State in order to perform their official or other duties related to crew, cargo and catering for the vessel.

(2) Representations of the shipping companies of such vessels may also obtain same permission issued for each particular visit by the appropriate port authorities in accordance with national laws and regulations.

Article 18. The provisions of the present Agreement shall not affect the rights and obligations of the Contracting Parties arising out of international Conventions on maritime law and shipping which have been accepted by the two Contracting Parties.

Article 19. Any differences concerning the interpretation or implementation of this Agreement shall be settled by direct negotiations between the competent

authorities of the Contracting Parties. In case no agreement is reached differences shall be settled through diplomatic channels.

Article 20. (1) This Agreement shall be concluded for an unlimited period.

(2) The present Agreement is subject to approval in accordance with the domestic provisions of the Contracting Parties and shall enter into force thirty days after the exchange of letters notifying the approval.

(3) Any alteration of or amendment to this Agreement shall be agreed upon in writing between the Contracting Parties and shall enter into force according to the procedures laid down in the above paragraph 2.

(4) This Agreement may be denounced in writing by either Contracting Party within a period of twelve months.

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

DONE in Berlin this 13th day of May 1981 in two originals in the English language.

[Signed — Signé]¹

For the Government
of the Hellenic Republic

[Signed — Signé]²

For the Government
of the German Democratic Republic

¹ Signed by Constantin Mitsotakis — Signé par Constantin Mitsotakis.

² Signed by Oskar Fischer — Signé par Oskar Fischer.