

No. 23724

**CYPRUS
and
SRI LANKA**

Agreement on cooperation in the field of merchant shipping. Signed at Nicosia on 3 October 1984

*Authentic texts: English, Greek and Sinhala.
Registered by Cyprus on 31 January 1986.*

**CHYPRE
et
SRI LANKA**

Accord relatif à la coopération dans le domaine de la marine marchande. Signé à Nicosie le 3 octobre 1984

*Textes authentiques : anglais, grec et cinghalais.
Enregistré par Chypre le 31 janvier 1986.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CYPRUS AND THE GOVERNMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA ON COOPERATION IN THE FIELD OF MERCHANT SHIPPING

The Government of the Republic of Cyprus and the Government of the Democratic Socialist Republic of Sri Lanka (hereinafter called the Contracting Parties) for the purpose of developing friendly relations and strengthening their cooperation in the field of merchant shipping in accordance with the principles of equality and mutual benefits:

Have agreed as follows:

Article I. For the purpose of this Agreement, unless the text otherwise requires:

1. The term “vessel” shall mean any merchant vessel flying the flag of the State of one Contracting Party and registered in its territory or time chartered by a shipping enterprise registered and operating under the laws and regulations of either Contracting Party and having its registered office and management office in the territory of either Contracting Party. This term shall not apply to warships, auxiliary warships and any other public vessel designed or used for non-commercial purposes or to fishing vessels. The term also shall not include nuclear powered vessels.

2. The term “crew members” shall mean all persons employed for duties on board, during a voyage in connection with the operation of a vessel or the providing of services on board the vessel and who are included in the crew list.

3. The term “port of one Contracting Party” shall mean any sea port, including roadsteads, in the territory of that Contracting Party which is approved and legally open to international shipping by that Contracting Party.

4. The term “passengers” shall mean all persons carried in a vessel of either Contracting Party who are not employed or engaged in any capacity on board that vessel and whose names are included in the passenger list of the said vessel.

Article II. 1. Vessels of either Contracting Party may sail between the ports of the two Contracting Parties and carry dry cargo, liquid cargo, passengers, mail, etc. between the two countries or between either country and a third country.

2. Vessels belonging to or operated or chartered by an enterprise registered and operating under the laws and regulations of one Contracting Party and having its registered office in the territory of that Contracting Party shall not carry cargo or passengers to or enter a port of the other Contracting Party which has been closed to international shipping by the latter Party.

Article III. The vessels of one Contracting Party and crews and cargoes shall be subject to the same conditions as the vessels, crews and cargoes of the most favoured nation when entering into, sailing from or staying in the ports of the other Contracting Party.

¹ Came into force on 4 October 1985, i.e., 30 days after the date of receipt (4 September 1985) of the last of the notifications by which the Parties had informed each other of the completion of the required procedures, in accordance with article XXII (1).

Article IV. This Agreement shall not apply to the transportation of passengers and cargo between the domestic ports of either of the Contracting Parties.

Article V. The competent authorities of one Contracting Party shall cooperate with the competent authorities of the other Contracting Party to improve the conditions of work, welfare of the seamen employed on each other's vessels.

Article VI. 1. Either Contracting Party will endeavor to arrange and allocate to the vessels of its national lines up to 50% of the cargo generated by the foreign trade between the two countries.

2. If the vessels of the national lines of one Contracting Party are unable to lift their share of the cargo in accordance with paragraph (1) of this Article, then vessels of the other Contracting Party shall be given the opportunity to carry the cargo before third country vessels are allowed to carry such cargo.

3. The national lines of the two Contracting Parties may operate shipping services between the two Contracting Parties, either on an individual or joint service basis and, for that purpose, may enter into agreements on technical, operational and commercial matters.

Article VII. The Contracting Parties shall adopt, within the limits of their national law and regulations, all appropriate measures to prevent unnecessary delays to vessels and to expedite and simplify, to the extent possible, the carrying out of customs and other formalities applicable in ports.

Article VIII. 1. The documents certifying the nationality of vessels, certificate of tonnage and other ships documents issued or recognised by one Contracting Party shall be recognised by the other Contracting Party.

2. The vessels of each of the Contracting Parties holding legally valid certificates of tonnage shall not be subject to re-measurement and the tonnage of the vessel noted in the certificate shall be taken as the basis for the calculation of the tonnage dues.

Article IX. The vessels, crews, passengers and cargoes of one Contracting Party, whilst in the territorial waters of the other Contracting Party, shall be subject to the respective national laws and regulations in force, specially the regulations concerning navigation and safety as well as public order, frontier crossings, customs, foreign exchange, health, veterinary and sanitary controls.

Article X. 1. Each Contracting Party shall recognise the seamen's identity documents issued by the competent authorities of the other Contracting Party.

2. The identity documents provided for in paragraph (1) of this Article are:

- (a) In the case of the Republic of Cyprus: the "Passport of the Republic of Cyprus" and the "Cyprus Seaman's Book"
- (b) In the case of the Democratic Socialist Republic of Sri Lanka: the "Continuous Discharge Certificate (C.D.C.)".

Article XI. 1. Persons holding the appropriate identity documents referred to in Article X of this Agreement are permitted, as being members of the crew of the vessel of the Contracting Party which issued the seamen's identity documents, to stay on temporary shore leave without visas during the stay of the vessel in a port of the

other Contracting Party, provided the master of the vessel has submitted the crew list to the competent authorities in accordance with the regulations in force in that port.

2. The crew of the vessels referred to in paragraphs (1) and (2) of Article I shall, however, be subject to the customs control in force in that port whenever members of the crew leave or enter a port.

Article XII. 1. Persons holding the appropriate seamen's identity documents specified in Article X of this Agreement may enter or travel through the territory of the other Contracting Party for the purpose of joining a vessel as a member of the crew or for any reason acceptable to the appropriate authorities of the other Contracting Party.

2. Nothing in the provisions of paragraph (1) of this Article shall be construed so as to preclude the application of the laws and regulations governing the entry, stay or departure for foreigners in force in the territory of the Contracting Parties.

3. The Contracting Parties reserve the right to deny entry to their respective territories to any holder of a recognised seamen's identity document whom they consider undesirable.

Article XIII. 1. For the safe manning of the merchant vessels registered in the territories of the two Contracting Parties with qualified personnel, owners of vessels registered in one Contracting Party may engage qualified officers and crew who are nationals of the other Contracting Party, subject to the rules and regulations of each Contracting Party.

2. The terms and conditions of employment of such nationals on vessels registered in the other Contracting Party's territory shall be determined by the competent authorities in consultation, where necessary, with the seafarers' unions or associations and shall be stated on their contracts of employment.

3. For the purpose of this Article, the competent authorities shall be the Department of Merchant Shipping, Ministry of Communications and Works for the Republic of Cyprus and the Merchant Shipping Division of the Ministry of Trade and Shipping for the Democratic Socialist Republic of Sri Lanka.

4. Any dispute arising out of the respective contracts of employment between a shipowner of one Contracting Party and a seaman of the other Contracting Party shall be referred solely to the exclusive jurisdiction of the courts or authorities, as the case may be, of either of the Contracting Parties.

5. For the purpose of enhancing the standards of training of their vessels' officers and seamen, the Contracting Parties shall encourage, support and facilitate cooperation in the field of maritime training between the competent training institutions, organisations and agencies established and operating in their territory.

Article XIV. The shipping organisations and shipping enterprises registered and operating under the laws and regulations of one Contracting Party and having their registered office in the territory of that Contracting Party shall be entitled to establish a representative's office in the territory of the other Contracting Party in accordance with the laws and regulations of that Contracting Party.

Article XV. For the purpose of efficient implementation of this Agreement and for consideration of any other shipping matters of mutual interest, a Joint Committee, composed of representatives of the competent authorities of the two Con-

tracting Parties, is set up. The Committee may be convened at the request of the competent authorities of either Contracting Party.

Article XVI. Each Contracting Party shall grant, subject to national laws and regulations in force, to the members of the diplomatic and consular representations and representations of shipping enterprises registered and operating under the laws and regulations of the other Contracting Party and having their registered office in the territory of the other Contracting Party, entry into its ports to enable them to perform their official duties and shall permit them to board vessels in the port, sailing either under the flag of the other Contracting Party or under the flag of a third country, provided such vessels have been chartered by a shipping enterprise with its registered office in the territory of the other Contracting Party.

Article XVII. 1. If a vessel of one of the Contracting Parties suffers shipwreck, runs aground, is cast ashore, or suffers any other accident off the coast of the other Contracting Party, the vessel and the cargo shall enjoy in the territory of the latter party the same treatment which is accorded to a national vessel and the crew and passengers, as well as the vessel itself and its cargo, shall be granted assistance to the same extent as in the case of its own vessels.

2. Nothing in this Article shall prejudice any claim for salvage in respect of any help or assistance given to a vessel, its master, passengers, crew and cargo.

3. The vessel which has suffered an accident, its cargo, equipment and fittings, stores or other articles from the vessel, provided they are not delivered for use or consumption in the territory of the other Contracting Party shall not be liable to customs duties or other taxes of any kind imposed upon or by reason of importation.

4. Nothing in the provisions of this Article shall be construed so as to preclude the application of the laws and regulations of the Contracting Parties with regard to the temporary storage of goods.

Article XVIII. 1. The Contracting Parties shall promote and facilitate co-operation in the field of merchant shipping between their authorities and shipping enterprises with their registered offices, in their respective territories.

2. The competent authorities are in the case of the Republic of Cyprus the Ministry of Communications and Works and in the case of the Democratic Socialist Republic of Sri Lanka the Ministry of Trade and Shipping.

Article XIX. The provisions of this Agreement shall not affect the rights and obligations of the Contracting Parties, arising out of international conventions on maritime law and shipping.

Article XX. Any difference of opinion with regard to interpretation or application of this Agreement shall be settled by direct negotiations between the competent authorities of the Contracting Parties. In the event the competent authorities fail to reach an agreement, such differences shall be settled through diplomatic channels.

Article XXI. If either of the Contracting Parties considers it desirable to modify the provisions of this Agreement or supplement additional provisions, it may request consultations with the other Contracting Party. The agreed modifications or supplements will become effective after they have been confirmed by an exchange of Notes through diplomatic channels.

Article XXII. 1. This Agreement is concluded for an unlimited period of time and shall enter into force thirty (30) days after the receipt of the last notification, through diplomatic channels, on fulfilment of the respective procedures in both countries.

2. This Agreement may be denounced by either Contracting Party after giving twelve (12) months' notice in writing to the other Contracting Party.

DONE in Nicosia on this 3rd day of October 1984 in three original copies each in the English, Greek and Sinhala languages, all texts being equally authentic. In the event of any disagreement in interpretation, the English text shall prevail.

For the Government
of the Republic of Cyprus:

[Signed]

STELIOS KATSELLIS

For the Government
of the Democratic Socialist Republic
of Sri Lanka:

[Signed]

MATARAGE S. AMARASIRI
