

No. 23723

**CYPRUS
and
ROMANIA**

**Agreement on maritime navigation. Signed at Nicosia on
25 October 1983**

Authentic texts: English and Romanian.

Registered by Cyprus on 31 January 1986.

**CHYPRE
et
ROUMANIE**

**Accord relatif à la navigation maritime. Signé à Nicosie
le 25 octobre 1983**

Textes authentiques : anglais et roumain.

Enregistré par Chypre le 31 janvier 1986.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CYPRUS AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA ON MARITIME NAVIGATION

The Government of the Republic of Cyprus and the Government of the Socialist Republic of Romania, hereinafter called "the Contracting Parties",

Wishing to promote the friendly relations existing between the two countries,

To extend and enhance the cooperation in the field of maritime navigation,

On the basis of full equality of rights, observance of the national independence and sovereignty, non-interference in the internal matters, mutual benefit and freedom of navigation,

Have agreed as follows:

Article 1. In the present Agreement:

1. The term "vessel of the Contracting Party" shall mean any merchant vessel registered and flying the flag of that Contracting Party according to its legislation.

2. The term "member of the crew" shall mean any person engaged aboard a vessel, including the master, performing during the voyage the duties related to the operation or maintenance of the vessel and who is enlisted in the crew list.

3. The term "port of one Contracting Party" shall mean any sea-port, including roadstead, in the territory of that Contracting Party, which is open to international shipping by that Contracting Party in accordance with the legislation of that Contracting Party.

Article 2. The Contracting Parties agree upon their refraining from any action which might lead to the restriction of the free participation of the other Contracting Party's vessels to the international maritime transport.

Article 3. The Contracting Parties shall encourage the maritime transport enterprises registered in their States to establish, taking into account the economic efficiency, regular shipping lines between their ports, to be operated by their vessels.

Article 4. 1. The Contracting Parties agree:

- (a) To promote participation of their vessels in the transportation of goods between their ports;
- (b) To co-operate in eliminating any hindrances which may hamper the development of sea trade between their ports;
- (c) For the purpose of effectively utilising their vessels, to encourage the participation of their vessels, as far as possible, in the transportation of goods between their ports and to and from third countries.

2. The provisions of this Article shall not affect the participation of vessels of third countries in the sea trade between the ports of the Contracting Parties.

3. With a view to implementing the provisions of this Article, between the two Contracting Parties, the shipping enterprises registered and operating in accordance

¹ Came into force on 3 October 1985, the date of receipt of the last of the notifications by which the Parties informed each other of the completion of the required constitutional procedures, in accordance with article 22 (2).

with the laws and regulations of either State may agree to operate jointly or separately liner services as well as to conclude agreements on technical and commercial matters.

Article 5. 1. Each Contracting Party shall adopt, within the limits of its laws and regulations all appropriate measures in order to facilitate the development of maritime transportation between the two States, to prevent, as much as possible, unnecessary delays of vessels in ports and to simplify and expedite, as far as possible, the completion of customs and sanitary procedures and other formalities applicable in ports.

2. The provisions of this Agreement do not restrict the right of either of the Contracting Parties to carry out the immigration-frontier control on the vessels of the other Contracting Party.

3. The Contracting Parties shall encourage the development of containerized transport and the promotion of modern technologies in the seagoing traffic between their ports.

Article 6. 1. Each Contracting Party shall grant the most favoured nation treatment to the vessels of the other Contracting Party, the crew members, the passengers as well as the cargoes of these vessels on arrival, departure and staying in the ports and at anchorage places of its State.

2. The provisions of the previous paragraph do not entitle any of the Contracting Parties to perform either port services, including pilotage and towage services, within the ports and waters of the other Contracting Party, or coastal trade, refloating operations and any other activities which are reserved to vessels flying the national flag.

3. The sailing of vessels of one Contracting Party from one port to another port of the other Contracting Party in order to land goods or passengers loaded or embarked from a third State, or in order to take aboard goods or passengers, the destination being a third State, will not be considered as coastal trade.

Article 7. 1. If a vessel of one of the Contracting Parties suffers shipwreck, runs aground, is cast ashore, or is in danger off the coast of the other Contracting Party, the vessel and its cargo shall enjoy, in the territory of the latter Contracting Party, the same treatment which is accorded to the latter Party's vessels and cargo.

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

3. The vessel which has suffered an accident, the cargo, equipment and fittings, stores or other articles from the vessel, provided that they are not delivered for use or consumption in the territory of the other Contracting Party, shall not be liable to customs duties.

4. In respect of temporary storage and payment of dues and taxes, the goods referred to in paragraph (3) above will receive the same treatment as accorded in the case of vessels of the most favoured nation in accordance with the laws and regulations of the Contracting Party in whose State the storage takes place.

5. The payment claimed for salvage, refloating, etc. will be regulated, as the case may be, in accordance with the agreement between the sides, international conventions accepted by both Contracting Parties or in accordance with their national legislation.

6. The competent bodies of one Contracting Party in whose State a vessel of the other Contracting Party has suffered a disaster, as described in paragraph (1) above, shall immediately notify of the events the nearest consular representative of the other Contracting Party.

Article 8. 1. Each of the Contracting Parties shall recognise the nationality of a vessel of the other Contracting Party on the basis of the documents on board that vessel issued by the competent authorities of the other Contracting Party in accordance with its national laws and regulations.

2. Vessel's documents on board, including documents in relation to the crew, issued or recognised by the competent authorities of one Contracting Party shall be accepted by the competent bodies of the other Contracting Party.

3. Vessels of one Contracting Party in possession of duly issued tonnage certificates shall be exempted from remeasurement in the ports of the other Contracting Party.

Article 9. 1. Each Contracting Party's vessels calling at the other Contracting Party's ports in order to unload part of their cargo brought from abroad, will be able, according to the national regulations, to keep aboard part of the cargo bound for another port, either of the same State or of a third State and carry it without paying taxes other than those paid in such cases by vessels of the most favoured nation.

2. Each Contracting Party's vessels will also be able to sail from one port to another one of the same Contracting Party in order to complete the cargo bound for a third State without paying duties other than those paid in such cases by vessels of the most favoured nations.

Article 10. The incomes obtained from the operation, in international traffic, of vessels registered in accordance with the laws and regulations of the State of the one Contracting Party, by the organizations, enterprises or companies established in accordance with its national legislation will be exempted from fees and taxes of any kind in the State of the other Contracting Party.

Article 11. 1. In order to facilitate their operations and ensure an efficient exploitation of their vessels, the shipping enterprises of one Contracting Party may send representatives to the other Contracting Party's State to represent them in accordance with the latter Party's legislation.

2. Such representatives will be exempted, in the State where they carry out their activities, from the payment of duties and taxes related to their remuneration in accordance with the Convention between the Government of the Socialist Republic of Romania and the Government of the Republic of Cyprus for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed, on the 16th November 1981.

Article 12. Each Contracting Party shall recognise the seamen's identity documents and those of the members of their families aboard the same vessel issued by the competent authorities of the other Contracting Party. These identity documents are: — The "*Carnetul de marinari*" ("Seaman's Book") and "*Legitimatia de imbarcare pentru membrii de familie ai marinarului*" ("Card of Embarkation for Seaman's Family Members"), for nationals of the Socialist Republic of Romania, and

- The “Cyprus Seaman’s Book” and the “Passport Issued by the Ministry of Interior of the Republic of Cyprus” for nationals of the Republic of Cyprus.

Article 13. 1. The seamen who possess the identity documents mentioned in Article 12 and are included in the crew list of the vessel, as well as the members of their families embarked on the same vessel, shall enjoy the right of shore admittance for temporary stay in the port town during the period of the vessel’s stay in that port.

2. The shore admittance and their temporary stay in the port town, as well as the trip from the port town to another place or port of the same State for service purposes, or in order to contact the diplomatic office or the consular office of their State, are subject to the local regulations.

Article 14. For the purpose of enhancing the standard of training of their vessels’ officers and seamen, the Contracting Parties shall encourage, support and facilitate co-operation in the field of maritime training between training institutions and organisations in their States.

Article 15. Each Contracting Party, in accordance with its laws and regulations in force, shall allow representatives of diplomatic and consular missions of the other Contracting Party as well as representatives of shipping enterprises as described in Articles 3, 4, 10 and 11 to enter the ports and to board the vessels of the latter Contracting Party in order to perform duties related to the activities of those vessels.

Article 16. As concerns the navigation on the maritime Danube, the provisions of the present Agreement will be applied taking into account the juridical conditions of the navigation on the Danube.

Article 17. 1. The authorities and courts of the one Contracting Party will not be involved in disputes which might arise on vessels flying the flag of the other Contracting Party during the voyage or in ports between the master, the officers and the ratings included in the crew list which might be connected with the crew’s personal effects, with their wages and generally with the work aboard.

2. The provisions of this Article do not apply to acts or disputes which are detrimental to public order.

Article 18. 1. The provisions of this Agreement do not affect the rights and obligations of the Contracting Parties arising out of the international maritime conventions accepted by both Contracting Parties.

2. Unless otherwise provided in this Agreement, the national legislation of each Contracting Party shall be applied.

Article 19. 1. The matters referring to the implementation of the present Agreement will be solved by the competent authorities of the two Contracting Parties.

The competent authorities are:

- In the case of the Socialist Republic of Romania: the Ministry of Transportation and Telecommunications;
- In the case of the Republic of Cyprus: the Ministry of Communications and Works.

2. In case any of the competent authorities mentioned in this Article is changed, the name of the new authority will be notified to the other Contracting Party through diplomatic channels.

Article 20. For the purpose of efficient implementation of this Agreement and for consideration of any other shipping matters of mutual interest a Joint Commission composed of representatives of the competent authorities of the two Contracting Parties is set up. The Commission may be convened at the request of the competent authorities of either Contracting Party.

Article 21. 1. Any divergence concerning the interpretation or application of the present Agreement will be solved by means of direct negotiations between the competent authorities of the two Contracting Parties.

2. In case these authorities will not reach an agreement, the divergence will be solved through diplomatic channels.

Article 22. 1. The Contracting Parties shall notify to each other, through diplomatic channels, that the constitutional requirements for the entry into force of this Agreement have been complied with.

2. The present Agreement will come into force on the date of receiving the last notification.

3. The present Agreement is concluded for a period of ten years and its validity will automatically be extended for periods of one year.

4. The present Agreement may be denounced by either Contracting Party at six months' notice communicated, through diplomatic channels, to the other Contracting Party.

Article 23. Any alteration of, or amendment to this Agreement shall be agreed upon between the Contracting Parties and shall enter into force after completion of the formalities mentioned in Article 22.

DONE in Nicosia this 25th day of October 1983, in two original copies, each in the English and Romanian languages, the two texts being equally authentic.

For the Government
of the Republic of Cyprus:

[Signed]

GEORGE IACOVOU

For the Government
of the Socialist Republic of Romania:

[Signed]

STEFAN ANDREI
