

**No. 24308**

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**MEXICO  
and  
NETHERLANDS**

**Agreement on maritime transport. Signed at The Hague on  
18 October 1984**

*Authentic text: English.*

*Registered by Mexico on 19 August 1986.*

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**MEXIQUE  
et  
PAYS-BAS**

**Accord relatif au transport maritime. Signé à La Haye le  
18 octobre 1984**

*Texte authentique : anglais.*

*Enregistré par le Mexique le 19 août 1986.*

## AGREEMENT<sup>1</sup> ON MARITIME TRANSPORT BETWEEN THE UNITED MEXICAN STATES AND THE KINGDOM OF THE NETHERLANDS

The Government of the United Mexican States and the Government of the Kingdom of the Netherlands, hereinafter referred to as the Contracting Parties, for the purpose of further developing the friendly relations between the two countries and of strengthening co-operation in the field of maritime transport, have, in accordance with the principles of equality and mutual benefit, agreed as follows:

*Article I.* For the purpose of the present Agreement:

1. The “Competent Maritime Authority” in the United Mexican States means the General Directorate for the Merchant Marine of the Undersecretariat of Operations of the Ministry of Communications and Transports and in the Kingdom of the Netherlands the Directorate-General Shipping and Maritime Affairs of the Ministry of Transport and Public Works.

2. The term “vessel of a Contracting Party” means any seagoing vessel used in commercial service, with the exception of fishing vessels and factory ships, which is registered in the territory and flies the flag of a Contracting Party in compliance with its national laws and regulations.

3. The term “crew member” means the ship’s master and any person actually employed on board a vessel with regard to the working or service of the vessel, who is included in the crew list and who is a holder of a seaman’s identity document.

*Article II.* The Contracting Parties shall in their mutual relations contribute in every respect to the freedom of merchant shipping and shall refrain from any action which might harm the development of international shipping.

*Article III.* The Contracting Parties shall promote the bilateral maritime transport and where applicable each Contracting Party shall apply the provisions of the UN Convention on a Code of Conduct for Liner Conferences, done at Geneva on 6 April 1974.<sup>2</sup>

The Contracting Parties shall ensure that their shipping companies involved shall, in determining the shares, use the cargo sharing formula, deriving from chapter II, article 2, paragraph 4 of that Convention.

*Article IV.* Concerning the availability of conference agreements, tariffs and related documents and conditions, the recognition of a carrier as national shipping line, the consultation machinery, freight rates and all other matters regulated by the Convention, mentioned in Article III, the Contracting Parties shall apply the provisions of that Convention.

<sup>1</sup> Came into force on 1 August 1986, i.e., the first day of the second month following the date on which the Contracting Parties had notified each other (on 27 May and 9 June 1986) of the completion of the required constitutional procedures, in accordance with article XIX.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1334, p. 15.

*Article V.* 1. If in the opinion of one Contracting Party the provisions contained in the Code of Conduct are violated, that Contracting Party shall notify the other Contracting Party of that violation.

2. Consequently the Contracting Parties shall, on request of one Contracting Party, conduct consultations with a view to arrive at the proper implementation of the relevant provisions of the Code of Conduct.

3. None of the above-mentioned will prevent the conduction of consultations by each Contracting Party within its own jurisdiction.

*Article VI.* The Contracting Parties agree,

- a. To promote the development of maritime transport in a spirit of consideration of their mutual interests and to remove any difficulties in this field.
- b. To facilitate the transfer of technology and know-how in the field of shipping.

*Article VII.* 1. Each Contracting Party shall grant to the vessels of the other Contracting Party the same treatment as to its own vessels used in international sea transport, with regard to official formalities, free access to ports, utilisation of such ports for loading and discharging of cargo, and embarkment of passengers, payment of tonnage dues and other taxes or charges, utilisation of services and facilities applied for navigation, shipping and normal commercial transactions. This applies also to vessels chartered by shipping companies of the other Contracting Party, unless the Competent Maritime Authority of that Contracting Party objects.

2. The provisions of paragraph 1 of this Article:

- a) Do not apply to ports which are closed for foreign vessels;
- b) Do not affect the right of the Contracting Parties to adopt measures to guarantee national security;
- c) Do not oblige the Contracting Parties to extend the exemption of obligatory pilotage granted to its own vessels to the vessels of the other Contracting Party.

3. The documents to certify the nationality of the ship, the tonnage certificates and other ships' documents issued or recognized by a Contracting Party shall be accepted by the other Party

4. The vessels of each of the Contracting Parties, carrying tonnage certificates issued in accordance with national laws and regulations shall not be subject to remeasurement in ports of the other Contracting Party and, if the port dues are calculated on the basis of gross registered tonnage or net tonnage, the relevant tonnage on the certificate of the vessel shall be used for that purpose.

*Article VIII.* The Contracting Parties shall adopt, within the limits of their respective national laws and regulations, all appropriate 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 official formalities applicable in ports.

*Article IX.* Each Contracting Party shall grant to the shipping company which has its place of effective management in the territory of the other Contracting Party the right of free transfer in convertible currency of all revenues earned by that shipping company from activities covered by this Agreement in the territory of the first Contracting Party.

Such transfers shall be granted regularly and currently and shall be based on official exchange rates for current payments, or where there are no official exchange rates, at the prevailing foreign exchange market rates for current payments. No charges other than normal bank charges shall be applicable to such transfers.

*Article X.* The Contracting Parties shall recognize the seaman's identity documents, issued by the competent authorities of the other Contracting Party.

These identity documents are:

- a. For crew members on Mexican vessels: the "*Carta de Identidad de la Gente de Mar de Mexico*";
- b. For crew members on Netherlands vessels: the Netherlands "*Monsterboekje*" (seaman's book).

*Article XI.* 1. During the time a vessel of either Contracting Party is berthed in a port of the other Contracting Party, each crew member of that vessel shall be permitted ashore leave on the territory of the municipality to which the port belongs, as well as on the territories of adjacent municipalities, without visas being required provided he can show the relevant identity document, mentioned in Article X.

However, such leave shall only be permitted if the ship's master has submitted a crew list on which the crew member occurs to the competent authorities, in accordance with the regulations in force in that port.

2. When going ashore and returning to the vessel, the person in question shall be subject to the control and customs formalities in force in that port.

*Article XII.* 1. Crew members holding the relevant identity documents, mentioned in Article X, have the right, regardless of the mode of transport, to enter the territory of the other Contracting Party or pass through that territory in order to rejoin their vessel, to be transferred to another vessel in order to return to their country, or to travel for any other purpose with the consent of the competent authorities of that other Contracting Party.

2. When a crew member holding the relevant identity document, mentioned in Article X, is disembarked in a port on the territory of the other Contracting Party for reasons of health, or other ground recognized by the competent authorities, these authorities shall give the necessary authorisation in order to enable the crew member to remain on their territory to receive medical attention or to be hospitalized and to return to his country by any means of transport or to go to another port of embarkation.

*Article XIII.* Without prejudice to the generality of the Articles XI to XII, the applicable laws and regulations of either Contracting Party concerning the entry, the stay and the termination of the stay of foreigners, remain in force.

*Article XIV.* The authorisations contained in Articles XI to XIII do not imply a restriction to the right of either Contracting Party to refuse any crew member the entry in its territory.

*Article XV.* 1. Should vessels of either Contracting Party be involved in maritime casualties or encounter any other danger in the territorial waters or ports of the other Contracting Party, the latter shall give all possible assistance and attention to the vessels, crew members, cargo and passengers in danger, and

notify the appropriate authorities of the Contracting Party concerned without delay.

2. Where cargo on board a vessel of either Contracting Party involved in a maritime casualty needs to be discharged and stored temporarily in the territory of the other Contracting Party before its return to the country of shipment or carriage to third countries, the other Contracting Party shall provide all facilities required, and such cargo shall be exempt from all customs duties, dues and taxes.

*Article XVI.* 1. The vessels and crew members of either Contracting Party shall observe the relevant laws and regulations of the other Contracting Party during their stay in the latter's territorial sea, internal waters and ports.

The authorities of either Contracting Party shall not exercise jurisdiction over or intervene in the internal affairs of the vessels of the other Contracting Party in its territorial sea and its ports, except in the cases and to the extent expressly provided in generally accepted international rules and regulations and in treaties in force between Contracting Parties.

2. When a crew member of a vessel of either Contracting Party has committed a crime on board that vessel in the territorial sea of the other Contracting Party, the competent authorities of that Contracting Party shall not prosecute him without the consent of the master of the vessel or of a diplomatic or consular officer of the former Contracting Party, unless:

- a) The consequences of the crime extend to their territory; or
- b) The crime is of a kind to disturb the peace of their country or the good order of the ports and the territorial sea; or
- c) According to the law of their country, the crime is a serious offence; or
- d) The crime has been committed against a foreigner on board the vessel; or
- e) Such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

3. The provisions of paragraph 2 do not affect the right of either Contracting Party to take any steps authorized by its laws for the purpose of arrest or investigation on board a foreign ship passing through the territorial sea after leaving the internal waters.

*Article XVII.* 1. With a view to assuring full implementation of the present Agreement and facilitating maritime transport between the two states, the Contracting Parties shall establish a Joint Committee, which will be composed of representatives of the competent Government authorities of the two Contracting Parties.

2. The Joint Committee shall meet once a year, unless otherwise mutually agreed.

3. The Joint Committee shall:

- a. Review the situation with regard to the sharing of maritime transport of each country;
- b. Study the ways of enhancing co-operation in maritime sectors; and
- c. Discuss matters which might arise from the application of the Agreement and all other matters relating to the improvement of maritime transport relations, and make appropriate recommendations.

4. The rules of procedure of the Joint Committee shall be established by common agreement between the Government authorities referred to in paragraph 1.

*Article XVIII.* 1. As regards the Kingdom of the Netherlands the present Agreement shall apply to the Kingdom in Europe.

2. The present Agreement may be extended with any necessary modifications to the Netherlands Antilles.

Such extension shall take effect from such date and subject to such modifications and conditions, including conditions as to termination, as may be specified and agreed in notes to be exchanged through diplomatic channels.

*Article XIX.* The present Agreement shall enter into force on the first day of the second month following the date on which the Contracting Parties have informed each other in writing through diplomatic channels that the procedures constitutionally required therefore in their respective countries have been fulfilled, and shall remain in force for an indefinite period.

If either Contracting Party wishes to denounce the present Agreement, it shall notify the other Contracting Party in writing through diplomatic channels and the denunciation of the Agreement shall take effect twelve months after the date of receipt of such notification by the other Contracting Party.

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

DONE at the Hague, on this 18-10-1984, in duplicate in the English language, which will be the authentic text.

Each Contracting Party undertakes to provide a translation in its national language.

For the Government  
of the United Mexican States:

[Signed — Signé]<sup>1</sup>

For the Government  
of the Kingdom of the Netherlands:

[Signed — Signé]<sup>2</sup>

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<sup>1</sup> Signed by Fernando de Garay — Signé par Fernando de Garay.

<sup>2</sup> Signed by Hans van den Broek — Signé par Hans van den Broek.