

No. 25561

**UNION OF SOVIET SOCIALIST REPUBLICS
and
MALAYSIA**

**Agreement on maritime transport. Signed at Moscow on
31 July 1987**

Authentic texts: Russian, Bahasa Malaysia and English.

Registered ex officio on 23 December 1987.

**UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES
et
MALAISIE**

**Accord relatif au transport maritime. Signé à Moscou
le 31 juillet 1987**

Textes authentiques : russe, bahasa-malais et anglais.

Enregistré d'office le 23 décembre 1987.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF MALAYSIA ON MARITIME TRANSPORT

The Government of the Union of Soviet Socialist Republics and the Government of Malaysia (hereinafter called the Contracting Parties) for the purposes of developing friendly relations and strengthening their cooperation in the field of maritime transport in accordance with the principles of equality and mutual benefit as well as contributing to the development of international shipping;

Have agreed as follows:

Article I. In this Agreement:

1. The term “vessel of the Contracting Party” shall mean any merchant vessel registered in the shipping register of the Contracting Party and flying its flag.

2. The term “competent authority” shall mean the designated Government agency or agencies of either Contracting Party responsible for administration of maritime transport and its related functions.

3. The term “member of the crew” shall mean the master and any other person actually employed for duties on board during a voyage in the working or service of a vessel and included in the crew list.

4. The term “passengers” shall mean those persons carried in the vessel of either Contracting Party whose names are included in the passenger list of the said vessel.

Article II. The Contracting Parties shall refrain from any action which might cause harm to the normal development of international shipping.

Article III. 1. The Contracting Parties agree:

- (a) To promote participation and cooperation between their respective shipping organizations and enterprises in sea-borne trade between the ports of their countries which are open to foreign vessels on the basis of equal rights and mutual benefit;
- (b) To promote the establishment of a joint liner service to serve the liner trade between the two countries. To achieve this objective the designated national shipping lines of the two countries may conclude a commercial agreement to share equally, both in terms of tonnage and freight earnings, the total liner cargo moving between the two countries;
- (c) Where there is a conference arrangement covering the trade, the provisions of the Convention on the Code of Conduct for Liner Conferences² shall apply;
- (d) To cooperate in elimination of possible obstacles which hamper the development of sea-borne trade between the ports of their countries;
- (e) Not to hinder the participation of the vessels of one Contracting Party in sea-borne trade between the ports of the other Contracting Party and the ports of third countries.

¹ Came into force on 31 July 1987 by signature, in accordance with article XVII.

² United Nations, *Treaty Series*, vol. 1334, p. 15.

2. The provisions of this Article shall not affect the right of the vessels flying flags of third countries to participate in sea-borne trade between the ports of the Contracting Parties.

3. Vessels flying flags of third countries chartered by nationals or shipping companies of either Contracting Party may also, with appropriate authorisation where necessary of both Contracting Parties, participate in the sea-borne trade between the ports of the Contracting Parties.

Article IV. Each Contracting Party shall accord to the vessels of the other Contracting Party the most-favoured-nation treatment.

Article V. This Agreement shall not apply to the transportation of passengers and cargo from a port of a Contracting Party to another port of the same Contracting Party. Provided that the vessels of either Contracting Party shall have the right to pick up or discharge passengers and cargo at more than one port of the other Contracting Party if such passengers and cargo are destined for or are proceeding from abroad on the same vessels.

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

2. The vessels of each of the Contracting Parties holding legally issued certificates of tonnage shall not be subject to re-measurement in the ports of the other Party.

Article VII. Each of the Contracting Parties shall grant to the holders of the seamen's identity documents issued by the competent authority of the other Contracting Party the rights provided in Article VIII of this Agreement.

These identity documents are:

For seamen of Soviet vessels — the USSR Seaman's Passport;

For seamen of Malaysian vessels — the Seaman's Book.

Article VIII. 1. Crew members of vessels of either Contracting Party shall be permitted to go ashore without visa during the period of stay of their vessels in the ports of the other Contracting Party, in accordance with its applicable laws and regulations.

2. Crew members of vessels of one Contracting Party calling at the ports of the other Contracting Party who require medical treatment shall be permitted to remain in the territory of the other Contracting Party for a period of time necessary for such treatment, in accordance with the applicable laws and regulations of that Contracting Party.

3. Holders of the seamen's identity documents mentioned in Article VII issued by one Contracting Party may enter the territory or travel through the territory of the other Contracting Party for the purpose of joining their vessels, for repatriation or for any other reason acceptable to the competent authorities of the other Contracting Party, after complying with the applicable laws and regulations of that Contracting Party.

4. Subject to the provisions of paragraphs 1, 2 and 3 of this Article the laws and regulations of one Contracting Party governing entry into, sojourn in and depar-

ture from its territory of passengers, crew or cargo as well as security, customs and sanitary measures, shall apply to passengers, crew or cargo carried by the vessels of the other Contracting Party while they are within the said territory.

5. Each of the Contracting Parties reserves the right to deny entry into its territory of persons whom it considers undesirable.

Article IX. 1. If a vessel of one of the Contracting Parties suffers shipwreck, runs aground, is cast ashore or suffers any other accident in the internal or territorial waters of the other Contracting Party, the vessel, its crew, passengers and cargo shall be granted in the territory of the latter Party, the same assistance which is accorded to a national vessel, its crew, passengers and cargo.

2. 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 other Contracting Party shall not be liable to any customs duties.

Article X. The Contracting Parties shall adopt, within the limits of their laws and port 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 formalities applicable in ports.

Article XI. All current payments between the two countries arising from this Agreement shall be effected in freely convertible currency in accordance with the foreign exchange control in force in each country.

Article XII. 1. The Contracting Parties shall, within the limits of their respective legislations continue their efforts to maintain and to develop effective working relationship between the authorities responsible for maritime transport in their countries.

2. For the purpose of efficient implementation of this Agreement and for consideration of any other shipping matters of mutual interest a joint Maritime Committee shall be established. The Committee may be convened at the request of either Party.

Article XIII. Each Contracting Party shall endeavour to assist in establishing in its territory representation of shipping organizations of the other Contracting Party. The establishment and activity of such representation shall be subject to the laws and administrative regulations of the host country.

Article XIV. If any dispute arises between the Contracting Parties relating to the interpretation or application of this Agreement, the Contracting Parties shall endeavour to settle it in the spirit of cooperation and mutual understanding.

Article XV. If the Contracting Parties consider it desirable to modify the terms of this Agreement, such modifications may be effected by an exchange of notes through diplomatic channel.

Article XVI. Either Contracting Party may at any time give notice to the other Party of its intention to terminate this Agreement. In such a case, the Agreement shall terminate six months after the date of receipt of the notice by the other Contracting Party.

Article XVII. This Agreement shall enter into force on the date of its signature.

IN WITNESS WHEREOF the undersigned being duly authorised thereto by their respective Governments have signed this Agreement.

DONE at Moscow on this 31st day of July 1987 in two original copies each in Russian, Bahasa Malaysia and English languages, all texts being equally authentic.

For the Government
of the Union of Soviet Socialist
Republics:

[Signed — Signé]¹

For the Government
of Malaysia:

[Signed — Signé]²

¹ Signed by Y. Volmer — Signé par Y. Volmer.

² Signed by R. Azis — Signé par R. Azis.