

No. 25654

**CHINA
and
MALAYSIA**

**Agreement on maritime transport. Signed at Beijing on
9 September 1987**

Authentic texts: Chinese, Malay and English.

Registered by China on 22 February 1988.

**CHINE
et
MALAISIE**

**Accord relatif aux transports maritimes. Signé à Beijing
le 9 septembre 1987**

Textes authentiques : chinois, malais et anglais.

Enregistré par la Chine le 22 février 1988.

AGREEMENT¹ ON MARITIME TRANSPORT BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE GOVERNMENT OF MALAYSIA

The Government of the People's Republic of China and the Government of Malaysia (hereinafter referred to as the Contracting Parties), for the purpose of developing friendly relations between the two countries and strengthening their cooperation 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 this Agreement unless the context otherwise stipulates:

1. The term "vessels of either Contracting Party" shall mean merchant vessels entitled to fly the national flag of and registered in the People's Republic of China or Malaysia respectively. The term shall not include nuclear powered vessels.
2. The term "crew members" shall mean those who are working on board a vessel of either Contracting Party, who actually perform duties or services connected with the operation or maintenance of the vessel, holding appropriate identity documents issued by the Authority of that Party as provided in Article VII of this Agreement and whose names are included in the crew list of the vessel.
3. The term "passengers" shall mean those persons carried in the 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 vessel.
4. 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.

Article II

Vessels of either Contracting Party may sail between the ports of the two countries which are open to foreign trade and engage in passenger and cargo services (hereinafter called the "agreed services") between the two countries or between either country and a third country.

Article III

Chartered vessels flying the flags of third countries acceptable to both Contracting Parties but operated by shipping enterprises of either Contracting Party may also take part in the agreed services.

Article IV

Vessels of each Contracting Party shall be accorded most favoured nation treatment by the other Contracting Party.

¹ Came into force on 9 September 1987 by signature, in accordance with article XVII.

Article V

This Agreement shall not apply to the transportation of passengers and cargo between the domestic ports of the Contracting Parties. Provided however that the right of vessels of either Contracting Party to engage in the agreed services shall include 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 ports overseas on the same vessels.

Article VI

Each Contracting Party shall recognize the nationality of the vessels of the other Contracting Party on the basis of the Certificate of Registry held by each vessel and duly issued by the competent authorities of the Contracting Party whose flag the vessel flies.

Article VII

Each Contracting Party shall recognize the identity documents of the crew members duly issued by the appropriate authorities of the other Contracting Party such as the Seamen's Book and International Passport.

Article VIII

1. Crew members of vessels of either Contracting Party shall be permitted to go ashore 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 either Contracting Party requiring medical treatment shall be permitted to enter into and remain in the territory of the other Contracting Party for the period of time necessary for such treatment, in accordance with the applicable laws and regulations of that Contracting Party.

3. Crew members of vessels of either Contracting Party may enter the territory or travel through the territory of the other Contracting Party for the purpose of joining vessels, repatriation or any other reason acceptable to the competent authorities of the other Contracting Party, after completing the necessary formalities in accordance with the applicable laws and regulations of that Contracting Party.

4. Crew members mentioned above in this Article shall be granted the most favoured nation treatment by both Contracting Parties.

Article IX

1. Should a vessel of either Contracting Party be involved in maritime casualties or encounter any other danger in the territorial waters of the other Contracting Party or nearby area, the latter shall render all possible assistance and protection to the vessel, its crew, passengers and cargo and shall inform the competent Authorities of the other Contracting Party as soon as possible.

2. Where the cargo and other properties discharged or rescued from the vessel involved in such maritime casualties or dangerous encounters need to be temporarily stored in the territory of the other Contracting Party, the latter shall endeavour to provide, wherever possible the necessary facilities and such cargo and properties shall be exempt from all taxes, insofar as it is not released for consumption or use in the territory of the other Contracting Party.

Article X

Each Contracting Party shall, within the limits of its laws and regulations, take necessary measures to offer facilities to the vessels of the other Party so as to expedite operation of the vessels and to avoid unwarranted delays.

Article XI

Payments arising from and under this Agreement shall be effected in freely convertible currencies mutually accepted by both Contracting Parties.

Article XII

The provisions of this Agreement shall not limit the rights of either Contracting Party to adopt or execute measures relating to the protection of its security and public health or the prevention of disease and pests in animals and plants.

Article XIII

Shipping companies of both Contracting Parties may, at the request of either Contracting Party, meet or exchange views on freight rates.

Article XIV

Bilateral seaborne cargo between both Contracting Parties shall, in principle, be carried by vessels of both Parties. Vessels of both Parties have equal rights and opportunities to carry bilateral seaborne cargo.

Article XV

In order to promote the development of maritime transport between the two countries and to deal with matters arising from the implementation of the present Agreement, representatives of both Contracting Parties shall meet to discuss representations made by either Contracting Party at the dates and places to be mutually agreed upon.

Article XVI

Should any dispute arise between the Contracting Parties relating to the interpretation or application of the present Agreement, the Contracting Parties shall endeavour to settle it by friendly negotiation between themselves.

Article XVII

This Agreement shall come into force on the date of its signature. Either Contracting Party may at any time give notice in writing to the other if it desires to terminate the present Agreement. If such notice is given, the present Agreement shall be terminated in six months from the date of receipt of the notice by the other Contracting Party unless the notice for termination is withdrawn by agreement before the expiry of this period.

Article XVIII

This Agreement is done in Beijing on 9 September 1987 in duplicate, each copy in the Chinese, Bahasa Malaysia and English languages, three texts being equally authentic.

[Signed — Signé]¹

For the Government
of the People's Republic
of China

[Signed — Signé]²

For the Government
of Malaysia

¹ Signed by Qian Yongchang — Signé par Qian Yongchang.

² Signed by Dr. Ling Liaong Sik — Signé par Ling Liaong Sik.