

No. 26723

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**UNITED STATES OF AMERICA**  
**and**  
**CHINA**

**Agreement on maritime transport (with exchange of letters and annexes). Signed at Washington on 17 September 1980**

*Authentic texts of the Agreement and the exchange of letters: English and Chinese.*

*Authentic texts of the annexes: English and Chinese (Annex A), English (Annex B).*

*Registered by the United States of America on 21 July 1989.*

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**ÉTATS-UNIS D'AMÉRIQUE**  
**et**  
**CHINE**

**Accord relatif au transport maritime (avec échange de lettres et annexes). Signé à Washington le 17 septembre 1980**

*Textes authentiques de l'Accord et de l'échange de lettres : anglais et chinois.*

*Textes authentiques des annexes : anglais et chinois (Annexe A), anglais (Annexe B).*

*Enregistré par les États-Unis d'Amérique le 21 juillet 1989.*

## AGREEMENT<sup>1</sup> ON MARITIME TRANSPORT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

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The Government of the United States of America and the Government of the People's Republic of China,

In conformity with the spirit of the Joint Communiqué on the Establishment of Diplomatic Relations between the United States of America and the People's Republic of China of December 15, 1978; and

Recognizing the importance of maritime relations for both countries; and

In consideration of the significance of maritime transport in the development and facilitation of trade between both countries; and

For the purpose of strengthening their cooperation in the field of maritime transport; and

In accordance with the principle of equality and mutual benefit

Have agreed as follows:

### *Article 1*

For purposes of this Agreement:

*a.* The term "vessel" shall mean any merchant ship engaged in commercial maritime shipping or merchant marine training. The term "vessel" shall not include warships; vessels carrying out any form of state function except for those mentioned in the preceding sentence; or fishing vessels; fishery research vessels or fishery support vessels.

*b.* The term "vessel of a Party" shall mean a vessel flying the national flag of and registered in the United States of America or the People's Republic of China respectively.

*c.* The term "member of the crew" shall mean a person working on board a vessel of a Party who actually performs duties or services connected with the operation or maintenance of the vessel, holding appropriate identity documents issued by the authorities of that Party as provided in Article 5, and whose name is included on the crew list of the vessel.

### *Article 2*

*a.* The Parties agree that when vessels of either Party, for the purpose of transportation of passengers and cargo, enter into or depart from the ports, mooring places and waters of the other Party, the latter shall adopt all appropriate measures to provide favorable treatment to such vessels with regard to servicing of vessels, port operations, the simplification and expedition of administrative, customs and all required formalities. The conditions under which vessels of one Party may enter the ports of the other Party are set forth in letters, exchanged between the competent authorities, which accompany this Agreement.

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<sup>1</sup> Came into force on 17 September 1980 by signature, in accordance with article 13.

*b.* Each Party undertakes to ensure that tonnage duties upon vessels of the other Party will be as favorable as the charges imposed in like situations with respect to vessels of any other country.

#### *Article 3*

This Agreement shall not apply to the vessels of one Party in the transportation of passengers and cargo between the ports of the other Party. However, the right of vessels of either Party to engage in commercial passenger and cargo services in accordance with Article 2 shall include the right to pick up or discharge passengers and cargo at more than one port of the other Party if such passengers and cargo are destined for or are proceeding from another country on the same vessel.

#### *Article 4*

*a.* Each Party shall recognize the nationality of the vessels which fly the national flag of the other Party and hold certificates of their nationality issued according to the laws and regulations of the other Party.

*b.* Each Party shall recognize the tonnage certificates and other ship's documents issued by the competent authorities of the other Party to the extent permitted by applicable laws and regulations.

*c.* Each Party shall inform the other Party of any changes in its system of tonnage measurements.

#### *Article 5*

Each Party shall recognize the identity documents of crew members issued by the competent authorities of the other Party. Those issued by the United States of America shall be the "U.S. Merchant Mariner's Document", while those issued by the People's Republic of China shall be the "Seaman's Book". Should any change in the identity document of a Party occur, such change shall be communicated to the other Party.

#### *Article 6*

*a.* Members of the crew of vessels of either Party shall be permitted to go ashore during the stay of their vessel in the ports of the other Party, in accordance with its applicable laws and regulations.

*b.* Each Party may deny entry into its territory of a member of the crew of a vessel of the other Party in accordance with its applicable laws and regulations.

*c.* Members of the crew of vessels of either Party requiring hospitalization shall be permitted to enter into and remain in the territory of the other Party for the period of time necessary for medical treatment, in accordance with applicable laws and regulations of that Party.

*d.* Members of the crew of vessels of either Party holding documents as stipulated in Article 5 of this Agreement may enter the territory or travel through the territory of the other Party for the purpose of joining national vessels, for repatriation or for any other reason acceptable to the competent authorities of the other Party, after complying with the applicable laws and regulations of that Party.

### Article 7

*a.* Should a vessel of either Party be involved in a maritime accident or encounter any other danger in the ports, mooring places and waters of the other Party, the latter shall give friendly treatment and all possible assistance to the passengers, crew members, cargo and vessel.

*b.* When a vessel of one Party is involved in a maritime accident or encounters any other danger and its cargo and other property is removed therefrom and landed in the territory of the other Party, such cargo and other property shall not be subject to any customs duties by that Party, unless it enters into its domestic consumption. Storage charges incurred shall be just, reasonable and non-discriminatory.

*c.* Each Party shall promptly notify the consular officials, or in their absence the diplomatic representatives, of the other Party when one of its vessels is in distress, and inform them of measures taken for the rescue and protection of the crew members, passengers, vessel, cargo and stores.

### Article 8

*a.* Each Party recognizes the interest of the other Party in carrying a substantial part of its foreign trade in vessels of its own flag and both Parties intend that their national flag vessels will each carry equal and substantial shares of the bilateral trade between the two nations.

*b.* Each Party, where it directs the selection of the carrier of its export or import cargoes, shall provide to vessels under the flag of the other Party a general cargo share and a bulk share equal in each category to those vessels under its flag, and consistent with the intention of the Parties that their national flag vessels will carry not less than one-third of bilateral cargoes.

*c.* Whenever vessels under the flag of one Party are not available to carry cargo offered for carriage between ports served by such vessels with reasonable notice and upon reasonable terms and conditions of carriage, the offering Party shall be free to direct such cargo to its national flag or third flag vessels.

*d.* When bulk cargo is carried between the United States and the People's Republic of China such cargo shall be carried at a mutually acceptable rate. Each Party, where it has the power to select the carrier, shall offer such cargo to vessels of the other Party at rates, terms and conditions of carriage which are fair and reasonable for such vessels.

### Article 9

Each Party recognizes the interest of the other, through domestic legislation or policy, in regulating the conduct of cross-traders in their respective foreign ocean commerce and agrees to respect each other's laws and policies in this regard.

### Article 10

Payments for transportation services under this Agreement shall either be effected in freely convertible currencies mutually accepted by firms, companies and corporations and trading organizations of the two countries, or made otherwise in accordance with agreements signed by and between the two parties to the transaction. Parties to such transactions may convert and remit to their country, on demand, local revenues in excess of sums locally disbursed. Conversion and remittance shall be permitted promptly without restrictions in respect thereof at the rate of exchange

applicable to current transactions and remittances. Neither Party may impose restrictions on such payments except in time of declared national emergency.

#### Article 11

The Parties agree to enter into such technical personnel and information exchanges necessary to facilitate and accelerate the movement of cargo at sea and in ports and to promote cooperation between their respective merchant marines.

#### Article 12

a. For the implementation of this Agreement the competent authority of the United States of America shall be the Department of Commerce while that of the People's Republic of China shall be the Ministry of Communications. Each Party shall authorize its competent authority to take action under its laws and procedures, and in consultations with the competent authority of the other Party, to implement this Agreement.

b. The Parties agree that representatives of the competent authorities will meet annually for a comprehensive review of matters related to the Agreement as may be desirable. Such meetings will be held at a time and place agreeable to both Parties. The Parties also agree to engage in such consultations, exchange such information, and take such action as may be necessary to ensure effective operation of this Agreement.

#### Article 13

This Agreement shall be in force for three years from the date of signing and shall expire on September 17, 1983. This Agreement may be extended, subject to negotiations between the Parties prior to the expiration date. The Agreement may also be terminated by either Party on 90 days' written notice.

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

DONE at Washington, this seventeenth day of September 1980 in duplicate, each copy in the English and Chinese languages, both texts being equally authentic.

For the Government  
of the United States of America:

[Signed — Signé]<sup>1</sup>

For the Government  
of the People's Republic of China:

[Signed — Signé]<sup>2</sup>

<sup>1</sup> Signed by Jimmy Carter — Signé par Jimmy Carter.

<sup>2</sup> Signed by Bo Yibo — Signé par Bo Yibo.

## EXCHANGE OF LETTERS

## I

September 17, 1980

Dear Mr. Dong:

In connection with the Agreement on Maritime Transport concluded on this date between the Government of the United States of America and the Government of the People's Republic of China, and, in particular, Article 2 of that Agreement, I have the honor to confirm that the following conditions apply to the entry of vessels of each Party into the ports of the other Party:

1. Vessels flying the flag of the United States of America may enter all ports to the People's Republic of China which are open to international merchant shipping listed in Annex A to this letter subject to seven days' advance notice of such entry to the appropriate authorities of the People's Republic of China in accordance with regulations concerning entry by foreign vessels to China.

2. Vessels flying the flag of the People's Republic of China may enter ports of the United States of America in accordance with regulations concerning entry by foreign vessels. Entry into ports listed in Annex B to this letter will be subject to four days' advance notice of such entry to the appropriate authorities of the United States of America. Regarding ports not included in this Annex B, appropriate authorities of the United States of America will be informed not less than seven working days prior to an intended entry into such ports. It is understood that entry into these ports will ordinarily be granted, but that authorities of the United States may deny such entry for reasons of national security.

3. It is further understood that, in view of the expectation of both our Governments that the relations between our countries will continue to grow, the list of ports contained in the Annexes to this letter will be reviewed periodically during the term of the Agreement with a view toward increasing the number of ports on these lists.

I request that you confirm these proposed conditions.

Respectfully,

[Signed]

SAMUEL B. NEMIROW  
Assistant Secretary  
United States Department of Commerce

Mr. Dong Huamin  
Director  
Bureau of Foreign Affairs  
Ministry of Communications  
Beijing, People's Republic of China

## ANNEX A

## LIST OF CHINESE PORTS

- |                |                                    |
|----------------|------------------------------------|
| 1. Dalian      | 11. Xiamen                         |
| 2. Qinhuangdao | 12. Shantou                        |
| 3. Tianjin     | 13. Shanwei                        |
| 4. Yantai      | 14. Huangpu                        |
| 5. Qingdao     | 15. Guangzhou                      |
| 6. Lianyungang | 16. Zhanjiang                      |
| 7. Wenzhou     | 17. Beihai                         |
| 8. Shanghai    | 18. Haikou                         |
| 9. Ningbo      | 19. Basuo                          |
| 10. Fuzhou     | 20. Shijiusuo (under construction) |

## ANNEX B

## LIST OF UNITED STATES PORTS

1. Portland, Maine
2. Boston, Massachusetts
3. Fall River, Massachusetts
4. New York (New York and New Jersey ports of the Port of New York Authority), New York
5. Albany, New York
6. Philadelphia, Pennsylvania (including Camden, New Jersey)
7. Wilmington, Delaware
8. Baltimore, Maryland
9. Richmond, Virginia
10. Morehead City, North Carolina
11. Wilmington, North Carolina
12. Georgetown, South Carolina
13. Savannah, Georgia
14. Boca Grande, Florida
15. Port Everglades, Florida
16. Ponce, Puerto Rico
17. Tampa, Florida
18. Mobile, Alabama
19. Gulfport, Mississippi
20. New Orleans, Louisiana
21. Burnside, Louisiana
22. Baton Rouge, Louisiana
23. Orange, Texas
24. Beaumont, Texas
25. Port Arthur, Texas
26. Galveston, Texas
27. Houston, Texas
28. Corpus Christi, Texas
29. Brownsville, Texas
30. Anchorage, Alaska
31. Skagway, Alaska
32. Ketchikan, Alaska
33. Seattle, Washington
34. Bellingham, Washington
35. Longview, Washington
36. Everett, Washington
37. Tacoma, Washington
38. Portland (including Vancouver, Washington), Oregon
39. Astoria, Oregon
40. Coos Bay (including North Bend), Oregon
41. Eureka, California
42. Stockton, California
43. San Francisco, (including Alameda, Oakland, Berkeley, Richmond), California
44. Sacramento, California
45. Los Angeles (including San Pedro, Wilmington, Terminal Island), California
46. Long Beach, California
47. Honolulu, Hawaii
48. Erie, Pennsylvania
49. Cleveland, Ohio
50. Toledo, Ohio
51. Bay City, Michigan
52. Chicago, Illinois
53. Kenosha, Wisconsin
54. Milwaukee, Wisconsin
55. Duluth, Minnesota/Superior, Wisconsin

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

September 17, 1980

Dear Mr. Nemirow:

I have the honor to acknowledge the receipt of your letter dated today, the contents of which follow:

[*See letter I*]

I confirm the above contents of your letter as correct.

With my highest considerations,

Respectfully,

[*Signed*]

DONG HUAMIN  
Director  
Bureau of Foreign Affairs  
Ministry of Communications  
People's Republic of China

Mr. Samuel B. Nemirow  
Assistant Secretary  
United States Department of Commerce

[*Annexes as under letter I*]

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<sup>1</sup> Translation supplied by the Government of the United States of America

<sup>2</sup> Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.