

**No. 27025**

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**CHINA  
and  
UNITED STATES OF AMERICA**

**Agreement on maritime transport. Signed at Washington on  
15 December 1988**

*Authentic texts: Chinese and English.*

*Registered by China on 16 January 1990.*

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

**Accord relatif au transport maritime. Signé à Washington le  
15 décembre 1988**

*Textes authentiques : chinois et anglais.*

*Enregistré par la Chine le 16 janvier 1990.*

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

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

Recognizing the importance of maritime relations for both countries; and

Desiring to foster efficient, competitive shipping services in the bilateral trade and the growth of economic ties between the two countries; and

Recognizing the importance of equal rights, benefits and opportunities for both parties under this Agreement; and

Bearing in mind their policies with respect to the use of third-flag ships; and

Desiring to strengthen their cooperation in the field of maritime transport; and

Having regard for the Agreed Minutes signed by their representatives on October 20, 1988;

Have agreed as follows:

### *Article I*

For purposes of this Agreement:

*a.* The term "vessel" shall mean any merchant ship engaged in commercial maritime shipping or merchant marine training or any civilian research ship engaged in hydrographic, oceanographic, meteorological or terrestrial magnetic field research. The term "vessel" shall not include warships or any vessels carrying out state functions except for those mentioned in the preceding sentence.

*b.* The term "vessel of a Party" shall mean a vessel flying the national flag of and registered in the People's Republic of China or the United States of America, 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 IV, and whose name is included on the crew list of the vessel.

### *Article II*

*a.* 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 IX 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.

*b.* The Parties agree that the vessels of each Party may transport empty cargo vans, empty lift vans and empty shipping tanks; equipment for use with cargo vans, lift vans or shipping tanks; empty barges especially designed for carriage aboard vessels and equipment, excluding propulsion equipment, for use with such barges;

<sup>1</sup> Came into force on 15 December 1988 by signature, in accordance with article XI.

and empty instruments of international traffic, including containers; provided that such articles are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade.

### *Article III*

*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 issued under the authority of the other Party in accordance with the International Convention on Tonnage Measurement of Ships, 1969.<sup>1</sup> Other ship's documents issued by the authority of the other Party shall be recognized 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 IV*

Each Party shall recognize the identity documents of crew members issued by the appropriate authorities of the other Party. The identity document issued by the People's Republic of China shall be the "Seaman's Book" or valid passport issued by the People's Republic of China, while the identity document issued by the United States of America shall be the "U.S. Merchant Mariner's Document", the "Continuous Discharge Book" or the "Merchant Mariner's Temporary Certificate of Identification/Service." Should any change in an identity document of a Party occur, advance written notice of such change shall be communicated to the other Party.

### *Article V*

*a.* Members of the crew of vessels of either Party shall be permitted to go ashore during the stay of their vessels 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 IV 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 VI*

*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

<sup>1</sup> United Nations, *Treaty Series*, vol. 1291, p. 3.

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 VII*

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 VIII*

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 IX*

*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.

*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 X*

*a.* For the implementation of this Agreement the competent authority of the People's Republic of China shall be the Department of Transport Administration, Ministry of Communications, while that of the United States of America shall be the Maritime Administration, Department of Transportation. Each Party shall authorize its competent authority to take measures 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 necessary. In addition, either Party may, at any time, request consultations on the interpretation, application, compliance with or amendment to this Agreement. Such consultations shall begin within thirty days from the date of receipt of the request for consultations, unless otherwise agreed by the Parties.

*Article XI*

This Agreement shall be in force for four years from the date of signing and shall expire on December fifteenth, 1992. 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.

DONE at Washington, this fifteenth day of December, 1988 in duplicate, each copy in the Chinese and English languages, both texts equally authentic.

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

[Signed — Signé]<sup>1</sup>

For the Government  
of the United States of America:

[Signed — Signé]<sup>2</sup>

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<sup>1</sup> Signed by Qian Yong Chang — Signé par Qiān Yong Chang.

<sup>2</sup> Signed by Jim Burnley — Signé par Jim Burnley.