

**AGREEMENT¹ BETWEEN THE GOVERNMENT
OF INDIA AND THE GOVERNMENT
OF THE GERMAN DEMOCRATIC
REPUBLIC IN THE FIELD OF
MERCHANT SHIPPING
New Delhi, 9 January 1979**

The Government of the Republic of INDIA

AND

The Government of the GERMAN Democratic Republic,
(HEREINAFTER called the Contracting Parties),

BEING desirous of,

STRENGTHENING the friendly relations between the Republic of India and the German Democratic Republic according to the principles of international law, especially the principle of sovereign equality of States and the principle of non-interference in internal affairs; and

DEVELOPING and extending co-operation in the field of merchant shipping;

HAVE AGREED as follows :

Article 1

The Contracting Parties agree to develop the relations between the Republic of India and the German Democratic Republic in the field of merchant shipping on the basis of equal rights and mutual benefit.

Article 2

For the purpose of this Agreement :

- (a) The term "vessel" shall mean any merchant vessel plying under the national flag of a Contracting Party and registered in the

1. Came into force on 19 July 1979.

territory of the Republic of India and in the territory of the German Democratic Republic respectively or time chartered by the national shipping companies in the two States.

This definition excludes warships and fishing vessels from the scope of application of this Agreement.

- (b) The term "member of the crew" shall mean any person actually employed for duties on board during a voyage in connection with the operation or service of the vessel and included in the crew list.

Article 3

- (1) The Contracting Parties shall further develop co-operation between their authorities responsible for maritime affairs according to their respective national laws regulations. In particular, the Contracting Parties shall promote mutual consultations and exchange of information on reciprocal basis between these authorities as well as co-operation between the respective shipping organisations and enterprises.
- (2) The Contracting Parties shall grant all possible assistance to each other's vessels and shall not take any action which may cause hindrance for the development of merchant shipping between the Republic of India and the German Democratic Republic.
- (3) The provisions of this Agreement shall be applicable to bilateral shipping and shipping relations between the two Contracting Parties.

Article 4

- (1) The Contracting Parties agree to strengthen the existing regular liner shipping service between the ports of the Republic of India and the ports of the German Democratic Republic to cater for the movement of national general cargo between the two States.

The Contracting Parties further agree that the national shipping companies in the two States operating bilateral liner shipping service should observe the principle of parity in liftings of national general cargoes and freight earning thereof. Imbalance, if any, in this respect, shall be determined in financial terms at the end of each year and settlement effected in accordance with the procedure agreed among the national lines.

- (2) The Contracting Parties agree to the participation of their respective shipping enterprises in the carriage of national bulk cargoes in the bilateral trade on the principles of parity and equality.

Details of arrangements concerning the carriage of bulk cargoes in the bilateral trades shall be worked out by the competent organisations to be nominated for this purpose by the Contracting Parties.

- (3) In case the shipping companies of one of the Contracting Parties are not able to undertake the carriage in accordance with the provisions of this Article, such carriage will be offered to vessels of the other Contracting Party. If that Contracting Party cannot make available the required suitable tonnage on acceptable conditions, the first mentioned Contracting Party is entitled to use vessel under the flag of third countries for the carriage of its share of cargo.

Article 5

- (1) The vessels of one Contracting Party and their crew and cargo shall be subject to the same conditions as ships, crew and cargo of the most-favoured nation when entering into, sailing from or staying in the ports of the other Contracting Party.
- (2) The vessels, crew, passengers and cargo of one Contracting Party, whilst within the territory of the State of the other Contracting Party, shall be subject to laws, rules and regulations of the latter mentioned Contracting Party.
- (3) All port dues and charges for services rendered to the vessels operating under the provisions of this Agreement shall be regulated in accordance with the national laws and regulations applicable at the respective ports from time to time.
- (4) The provisions of this Article shall not apply to activities legally reserved by each of the Contracting Parties to its organisations or enterprises, including, in particular coastal navigation and pilot service and also shall not affect the rules concerning entry and stay of foreigners.

Article 6

The Contracting Parties shall adopt within the limits of their concerned national laws and regulations all appropriate measures to facilitate and expedite maritime traffic, to prevent delays to vessels and to simplify and expedite as much as possible the carrying out of customs and other formalities required in ports.

Article 7

- (1) The documents relating to nationality and registration of vessels, tonnage certificates, certificates of seaworthiness and other ship

documents issued or recognised by the competent authorities of one Contracting Party shall be recognised by the competent authorities of the other Contracting Party.

- (2) Vessels of one Contracting Party in possession of duly issued tonnage certificates shall not be subject to remeasurement in the ports of the other Contracting Party.

Article 8

- (1) Each of the Contracting Parties shall recognise the seamen's identity documents issued by the competent authorities of the other Contracting Party.

These seamen's identity documents are :

- for seamen of the Indian vessels
"Continuous Discharge Certificate".
 - for nationals of the German Democratic Republic
"Seefahrtsbuch der Deutschen Demokratischen Republic".
- (2) Holders of the seamen's identity documents specified in Paragraph 1 above shall be permitted in the case of members of the crew of the vessel to land on temporary shore leave without visa during stay of the vessel in port of the other Contracting Party, provided that the master had submitted the crew list to the competent authorities in accordance with the regulations in force in that port. While landing and returning to the vessel, the said persons shall be subject to frontier and customs control in force in that port.
 - (3) When a member of the crew possessing an identity document and the prescribed permission, disembarks in the port of the other Contracting Party due to illness, official reasons or other reasons, the latter shall allow his being put up at a hospital, his being repatriated or returning to his home country or his being moved to another port in order to be accommodated in another vessel. The identity document shall be accompanied by an official order issued, under seal and signature, by the competent officer of the shipping organisation or by master of the vessel under his signature.
 - (4) Holders of the seamen's identity documents shall be permitted to enter, move through by any means of transport in the territory of the other Contracting Party in order to be able to join a vessel of their country in a port of the other Contracting Party with the approval of the appropriate authorities of that Contracting Party,

in all such cases, the seamen shall be required to have proper visa of the other Contracting Party which shall be granted by the concerned authorities within the shortest possible time.

- (5) For the purposes of regulation of shipping affairs, the master of the vessel staying in the port of the other Contracting Party or a person authorised by him shall be permitted to contact or visit the consular official or the representative of the shipping company.

Article 9

No income tax and/or turnover tax shall be levied or collected by the Government of the Republic of India on the freight earnings and/or profits on national cargo carried by the vessels of the German Democratic Republic including those on time-charter between ports of the two States, and similarly no income tax and/or turnover tax shall be levied or collected by the Government of the German Democratic Republic on the freight earnings and/or profits on national cargo carried by the vessels of the Republic of India including those under time-charter between ports of the two States.

Article 10

- (1) Each Contracting Party shall allow in its territory the establishment of representations of the shipping organisations of the other Contracting Party for looking after the requirements of the vessels of the shipping companies of the other Contracting Party in accordance with its laws and regulations. The said representations and their personnel shall enjoy the same rights and privileges which are granted to similar representations and their personnel of the most-favoured nation.
- (2) Each Contracting Party shall grant to the representatives of shipping enterprises with offices in the territory of the other Contracting Party unhindered entry and regulations in force, in order to enable them to perform their official duties with regard to the care of vessels, crew and cargo and shall permit them to board vessels.

Article 11

- (1) If a vessel of one of the Contracting Parties suffers shipwreck, runs aground, is cast ashore or suffers any other accident within the territory of the State of the other Contracting Party, the vessel, the crew, the passengers and the cargo shall receive, in the territory of the latter Contracting Party, the same assistance which is accorded by that Contracting Party to its national vessels, crew, passengers and cargoes.

- (2) No customs duty shall be levied by one Contracting Party against a shipwrecked vessel, its cargo or stores of the other Contracting Party unless they are delivered for use in the territory of the first mentioned Contracting Party.
- (3) Nothing in the provisions of this Article shall prevent the application of the laws and regulations of the Contracting Parties and their international obligations.

Article 12

All payments and expenses under this Agreement arising from the operation of vessels shall be made according to the provisions of the Trade and Payments Agreement between the Contracting Parties that may be in force from time to time.

Article 13

- (1) For the purpose of evaluating, supervising and reviewing the overall working of this Agreement and resolving any outstanding issues, the Contracting Parties agree to set up an Inter-Governmental Joint Committee on Shipping which will meet as often as necessary, in the Republic of India and in the German Democratic Republic, alternately. The Ministry of Shipping and Transport of the Republic of India and the Ministry of Transport of the German Democratic Republic will nominate their representatives to the Joint Committee.
- (2) The Shipping Corporation of India Ltd., Bombay and VEB Deutfracht/Secrederei, Rostock will be the competent organisations authorised to deal with day-to-day shipping operational issues between the two States, such as distribution of cargoes, fixation of sailings, tariff matters and similar other issues arising out of their operations. Each Contracting Party may nominate any other organisation in addition to the above by notifying to the other Contracting Party.

Article 14

The Contracting Parties agree that their competent authorities will consult each other in all matters relating to international conferences and Agreements in the field of maritime traffic in which both Contracting Parties are interested.

In particular, this relates to co-operation in international organisations and conventions in the field of maritime traffic.

Article 15

The provisions of this Agreement do not affect the rights and

obligations of the Contracting Parties arising out of international conventions on maritime law and shipping.

Article 16

Any differences of opinion with regard to interpretation or application of this Agreement shall be settled by the Intergovernmental Joint Committee on Shipping mentioned in Article 13, para 1. In case the said Joint Committee is unable to come to an agreement on any issue, the same will be settled by reference to the respective Governments.

Article 17

- (1) This Agreement supersedes all previous Agreements signed between the two Contracting Parties in the field of merchant shipping with effect from its entry into force.
- (2) All the previous commercial level arrangements between the competent institutions and organisations and the national shipping companies in the States of the two Contracting Parties shall continue to remain in force insofar as they are not inconsistent with the provisions of this Agreement.

Article 18

- (1) This Agreement shall enter into force 30 days after the exchange of notes signifying the approval of the Agreement in accordance with the national laws and regulations.
- (2) This Agreement shall be valid for a period of five years. It shall be automatically renewed for a further one-year period at a time unless either of the Contracting Parties gives written notice of termination of the Agreement not later than six months before the expiry of such period.

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

DONE at New Delhi on 9th January, 1979, in two originals each in Hindi, German and English languages, all the texts being equally authentic. In case of any discrepancy in the Hindi and German texts, the English text shall prevail.

Sd/-

CHAND RAM

For the Government of the
Republic of India

Sd/-

OSKAR FISCHER

For the Government of the
German Democratic Republic

ANNEXURE I
EXCHANGE OF LETTERS

New Delhi
9th January, 1979

EXCELLENCY,

I have the honour to invite your attention to Article 12 of the Agreement between the Government of the Republic of India and the Government of the German Democratic Republic on Co-operation in the field of merchant shipping. Article 12 read with clause 3 of Article 3 of this Agreement provides that all payments and expenses, under the said Agreement, arising from the operation of vessels between the two countries shall be made according to the provisions of Trade and Payments Agreement between the two countries that may be in force for the time being. This is to clarify that this clause would be applicable only in respect of payment of freight earnings and expenses arising from the carriage of cargo between the two countries.

I shall be grateful if you kindly confirm that the above correctly sets out the understanding reached between the Government of India and the Government of the German Democratic Republic.

Assuring you of my highest consideration,

Yours sincerely,

Sd/-
CHAND RAM
Minister of Shipping and Transport
Government of India

His EXCELLENCY MR. OSKAR FISCHER,
Minister of External Affairs of the
German Democratic Republic,
New Delhi.

ANNEXURE II

New Delhi
9th January, 1979

EXCELLENCY,

I acknowledge receipt of your letter of 9th January 1979 which reads as follows :

[Not reproduced]

I have the honour to confirm that the contents of your letter correctly set out the understanding reached between the Government of the German Democratic Republic and the Government of India.

Assuring you of my highest consideration,

Yours sincerely,

Sd/-

OSKAR FISCHER
Minister of External Affairs of the
German Democratic Republic

His EXCELLENCY Mr. CHAND RAM,
Minister of Shipping and Transport,
Government of India,
New Delhi
