

AGREEMENT

**between the Government of the Hong Kong Special Administrative Region
of the People's Republic of China
and
the Cabinet of Ministers of Ukraine
on Maritime Transport**

The Government of the Hong Kong Special Administrative Region of the People's Republic of China (the Hong Kong Special Administrative Region) and the Cabinet of Ministers of Ukraine, hereinafter referred to as Contracting Parties,

for the purpose of developing the friendly relations between the Contracting Parties; and

promoting general development of commercial and economic relations between the Contracting Parties; and

desiring to develop merchant shipping between the Contracting Parties,

have agreed as follows:

Article 1

For the purpose of this Agreement:

1. The term "Competent Authority" means in the case of the Hong Kong Special Administrative Region – the Economic Development and Labour Bureau or its authorized department, and in the case of Ukraine – the Ministry of Transport of Ukraine.

2. The term "vessel of a Contracting Party" means any vessel registered in the shipping register of that Contracting Party and

- (a) in the case of the Hong Kong Special Administrative Region, is flying the national flag of the People's Republic of China and the regional flag of the Hong Kong Special Administrative Region;
- (b) in the case of Ukraine, is flying the national flag of Ukraine;

The term shall not, however, include war and non-commercial ships.

3. The term "member of the crew" means

- (a) in the case of the Hong Kong Special Administrative Region the master and any seaman holding identity documents as referred to in Article 9 of this Agreement or the master or any seaman from a third country who is for the time being employed in the crew list of the vessel and works or services on board the vessel;
- (b) in the case of Ukraine, the master and any member of a crew holding identity documents as referred to in Article 9 of this Agreement and whose

name is included in the crew list of the vessel and works or services on board the vessel.

Article 2

The Contracting Parties shall cooperate in promoting the freedom of merchant shipping and shall refrain from any actions which might cause harm to the normal development of international shipping.

Article 3

The Contracting Parties shall, in conformity with their respective laws, continue their efforts to maintain and to develop effective working relationship between the authorities responsible for maritime transport in their areas.

In particular, the Contracting Parties agree to carry on mutual consultations, to exchange information between the Government departments responsible for maritime relations in their areas and to encourage the development of contacts between their respective shipping organizations and shipping industries.

Article 4

1. The Contracting Parties agree:

- (a) to promote participation of their vessels in sea trade between the Contracting Parties;
- (b) to cooperate in the elimination of obstacles which might hamper the development of sea trade between the Contracting Parties;
- (c) not to preclude charterers, shippers and receivers to utilize the ships of one Contracting Party in sea trade between the ports of other Contracting Party and the ports of third countries, subject to any laws and legislation of and international agreements applicable to the Contracting Parties.

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

Article 5

Either Contracting Party shall grant the most favored nation treatment to the vessels and members of the crew of the other Contracting Party, including freedom to enter, remain and leave ports, full use of ports including port facilities, the loading and unloading of cargoes, transshipment, the embarkation and disembarkation of passengers, the payment of port dues and charges, and other facilities and services as regards navigation and commercial operations which it affords to vessels, their cargoes and passengers.

Article 6

The Contracting Parties shall, in conformity with their laws and port regulations, adopt all appropriate measures to facilitate and expedite maritime

traffic, to prevent unnecessary delays to vessel, and to expedite and simplify as much as possible the carrying out of customs and other formalities applicable in ports.

Article 7

1. Each of the Contracting Parties shall recognize the nationality of vessels of the other Contracting Party on the basis of the certificate of registry duly issued by the Competent Authority of that Contracting Party for its vessels.

2. Each of the Contracting Parties shall recognize documents of vessels duly issued by the Competent Authority of the other Contracting Party for its vessels.

3. In the case of the recognition of tonnage certificates, each of the Contracting Parties shall recognize in the same way as set out above the International Tonnage Certificates under the International Convention on Tonnage Measurement of Ships, 1969 and in such cases vessels holding such certificates shall not be remeasured at the ports of the other Contracting Party. Port dues and charges shall be calculated on the basis of the above-mentioned certificate of tonnage measurement.

Article 8

If a vessel of one Contracting Party suffers shipwreck, runs aground, is cast ashore or suffers any other accident in adjacent areas of the other Contracting Party:

- (a) the vessel and the cargo shall enjoy, in the area of the latter Party, the same benefits which are accorded to its own vessel or cargo;
- (b) the crew and passengers as well as the vessel itself and its cargo shall be granted at any time, help and assistance to the same extent as in the case of a vessel of the latter Party; and
- (c) the cargo and articles unloaded or saved from the vessel, provided they are not delivered for use or consumption in the area of the latter Party, shall not be liable to any custom duties.

Article 9

1. Each Contracting Party shall recognize the seaman's identity documents duly issued by the other Contracting Party.

2. Those identity documents are:

- (a) in the case of the Hong Kong Special Administrative Region – “Passport” or “Seaman's Identity Book”;
- (b) in the case of Ukraine – “Seaman's Identity Card”;

3. Each Contracting Party shall also recognise an identity document issued to a seaman who is a citizen of a third country by the authorities of the third country,

provided that these are sufficient to be recognized as passport or passport substitutes in accordance with the laws of that Contracting Party.

Article 10

1. Holders of the identity documents specified in Article 9 of this Agreement who are members of the crew of a vessel of the Contracting Party shall be permitted temporary shore leave without visas during the stay of that vessel in a port of the other Contracting Party, provided that the master of the vessel has in accordance with the regulations in force in regard to that port, submitted to the Competent Authorities the list of the members of the crew of that vessel.

2(a). In relation to the port of the Hong Kong Special Administrative Region, members of the crew of a vessel when landing and returning to a vessel shall be subject to the relevant necessary immigration and customs control;

(b). In relation to the port of Ukraine, members of the crew of a vessel when landing and returning to a vessel shall be subject to the relevant necessary frontier and customs control.

Article 11

1. Holders of the identity documents specified in Article 9 of this Agreement shall, while using any kind of transport, be permitted to enter the area of the other Contracting Party or to pass through its area in transit for the purpose of joining their vessel or transferring to another vessel or being repatriated or traveling for any other purposes which is approved by the other Contracting Party.

2. In all cases specified in paragraph 1 seamen of one Contracting Party shall be issued with visas for that purpose by the competent authorities of the other Contracting Party. Such visas shall be issued with the minimum possible delay.

3. Each Contracting Party reserves the right to refuse entry into its area any seaman whom it considers undesirable even though that seaman holds an identity document specified in Article 9.

Article 12

This Agreement does not affect the rights and obligations arising from other international or regional agreements which are applicable to either or both Contracting Parties.

Article 13

The Contracting Parties shall assist in establishing in their respective area representations of the shipping organizations of the other Contracting Party. The character and activity of such representations shall be subject to all relevant laws, legislation, regulations and rules of the Contracting Party.

Article 14

1. For the purpose of implementing this Agreement, a joint Commission is hereby established.

2. Meetings of the Commission shall be convened at the request of either Contracting Party.

3. Membership and scope of activity of the Commission shall be determined by the Competent Authorities of both Contracting Parties.

Article 15

Any dispute about the interpretation or application of the present Agreement shall be settled by the joint Commission, through negotiations on the basis of mutual understanding.

Article 16

1. Each of the Contracting Parties shall notify the other Contracting Party upon the completion of the necessary procedures requested by its law for the entry into force of this Agreement.

2. This Agreement shall enter into force on the 30th day from the day of the last notification.

3. This Agreement shall remain in force unless either Contracting Party gives notice of termination in writing to the other Contracting Party. This Agreement shall terminate after six months from the date of receipt of the notice of termination by the other Contracting Party.

In witness whereof, the undersigned, duly authorized thereto by their respective Governments, have signed this Agreement.

Done at Hong Kong on 2 April 2003 in duplicate in Ukrainian and English languages, both texts being equally authentic. In case of any divergences of interpretation the English text shall prevail.

**For the Government of the Hong
Kong Special Administrative Region
of the People's Republic of China**

**For the Cabinet of
Ministers of Ukraine**