

Signed at Seoul May 27, 1993
Entered into force June 26, 1993

**Agreement on Maritime Transport between the Government of the Republic of Korea and
the Government of the People ' s Republic of China**

The Government of the Republic of Korea and the Government of the People ' s Republic of China(hereinafter referred to as "the Contracting Parties"),

Desiring to promote friendly relations between the two countries through their cooperation in the field of maritime transportation and to improve the efficiency thereof in accordance with the principles of equality and mutual benefit,

Have agreed as follows:

ARTICLE 1

For the purpose of this Agreement,

- a. The term "vessel of either Contracting Party" means all merchant vessels flying its flag and registered in its territory.
- b. The term "crew member" means any person of a Contracting Party employed on board a vessel of that Contracting Party or a third country with regard to the working or service of the vessel and holding identity document issued by competent authorities of that Contracting Party.
- c. The term "passenger" shall mean any person on board a vessel of either Contracting Party, who is neither employed thereon, nor has any duty regarding the vessel, and whose name is included in the passenger list of the vessel of either Contracting Party

ARTICLE 2

1. Each Contracting Party shall grant to the vessels of the other Contracting Party the most-favored-nation treatment in its open ports, with regard to official formalities in vessel entry and departure, customs clearance, berth utilization of such ports for loading and discharging of cargo and embarkment and disembarkment of passengers, the levying of port charges, and utilization of services and facilities applied for navigation, shipping and normal commercial transactions.

This applies also to vessels operated by shipping companies which are joint venture businesses invested by both Contracting Parties, and to vessels operated by shipping companies and organizations located in the other Contracting Party and flying the flag of a third country which is recognized by that Contracting Party.

2. The treatment shall also apply to the establishment and business operations of branch offices of the shipping companies referred to in Paragraph 1 of this Article, and residence and activities of their staff.

ARTICLE 3

1. Vessels of either Contracting Party shall be allowed to sail between the ports of both Contracting Parties which are open to foreign vessels, or between the ports of the other Contracting Party which are open to foreign vessels and the ports of a third country, and engage in passenger and cargo services between the two countries or between either country and a third country.
2. The Contracting Parties shall actively cooperate with each other in materializing the principle of equality and reciprocity in liner trade and passenger transportation between the two countries.

ARTICLE 4

1. The Contracting Parties shall mutually recognize the certificate of nationality, the tonnage certificate and related certificates or documents of ships duly issued by the competent authorities of either Contracting Party.
2. Relevant port charges and expenses shall be collected on the basis of the aforementioned documents.

ARTICLE 5

Each Contracting Party shall recognize the identity documents of the crew members duly issued by the competent authorities of the other Contracting Party. These identity documents are:

For the crew members of the Korean vessels, "the Seaman ' s Passport of the Republic of Korea"; and

For the crew members of the Chinese vessels, "the Seaman ' s Book of the People ' s Republic of China".

ARTICLE 6

All proceeds accruing from the shipping enterprises and maritime organizations of one Contracting Party shall be effected in freely convertible currencies mutually acceptable to both Contracting Parties. Such proceeds can be used for making payments in the territory of the other Contracting Party, or be freely remitted from that country.

ARTICLE 7

The provisions of this Agreement shall not apply to cabotage. But the sailing of the vessels of one Contracting Party between two ports of the other Contracting Party for discharging inward cargo and/or disembarking passengers from abroad or loading outward cargo and / or embarking passengers heading for foreign countries, shall not be regarded as cabotage.

ARTICLE 8

During the time when vessels of one Contracting Party stay in its ports, the other Contracting Party shall permit the vessels' crew members to go ashore in accordance with its relevant laws and regulations. The crew members of the vessels of either Contracting Party requiring medical treatment shall be allowed to remain in the territory of the other Contracting Party for the period of time necessary for such treatment in accordance with the relevant laws and regulations of that Contracting Party. The crew members of the vessels of either Contracting Party may enter the territory or travel through the territory of the other Contracting Party for the purposes of joining vessels, repatriation or for any other reasons acceptable to the competent authorities of the other Contracting Party after completing the necessary formalities in accordance with the relevant laws and regulations of that Contracting Party. The vessels and crew members of one Contracting Party shall obey the laws of the other Contracting Party during their stay in the territory of the latter. Each Contracting Party has the right to deny entry into its territory of seamen of the other Contracting Party despite the fact that they hold the identity documents specified in Article 5 of this Agreement.

ARTICLE 9

1. Should the vessels of either Contracting Party be involved in any shipping casualties in the territorial waters or ports of the other Contracting Party, the latter shall give all the necessary assistance to the vessels, crew members, cargoes and passengers, and notify the concerned departments of the former Contracting Party as soon as possible.
2. The cargoes and other properties unloaded and rescued from vessels in distress of one Contracting Party shall be provided with all the facilities needed for temporary storage in the territory of the other Contracting Party by the latter within the scope of its capability and shall not be subject to any taxation, unless these cargoes and properties are used for consumption or for sale in its territory.

ARTICLE 10

1. With a view to promoting the development of maritime transport and resolving the problems that may arise in the implementation of this Agreement, representatives of competent maritime authorities of the Contracting Parties shall hold meetings once a year to discuss the proposals raised by either Contracting Party.
2. The Contracting Parties shall convene special meetings at the request of either Contracting Party to discuss matters raised by that Contracting Party.

ARTICLE 11

The Contracting Parties, for the purpose of facilitating mutual development in the port and maritime sectors, shall fully cooperate with each other in exchanging information and personnel between the two countries.

ARTICLE 12

Any dispute over the interpretation and application of this Agreement shall be settled through friendly consultations between the Contracting Parties.

ARTICLE 13

1. This Agreement shall come into force thirty days after the date of signature and shall remain in force for three years. Its validity shall be automatically extended for successive periods of one year unless terminated by either Contracting Party by giving notice of termination in writing six months in advance of its expiry.
2. At the request of one Contracting Party, this Agreement can be amended or supplemented by mutual consent.

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

Done at Seoul on this 27th, May in the year of 1993 in duplicate in Korean, Chinese and English, the three texts being equally authentic. In case of any divergency of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF
THE REPUBLIC OF KOREA
/Sgd./ /Sgd./
Han Sung-joo Qian Qichen

FOR THE GOVERNMENT OF THE
PEOPLE ' S REPUBLIC OF CHINA