

October 10, 1989

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH ON MERCHANT SHIPPING

The Government of the Republic of the Republic of the Philippines and the Government of the People's Republic of Bangladesh hereinafter referred to as the "Contracting Parties";

Desiring to support and to develop further the friendly relations between the Contracting Parties on the basis of equal rights and mutual benefit;

Recognizing the advantages to be derived by their respective peoples from further cooperation in the field of maritime relations under the principle of freedom of merchant shipping.

Have agreed as follows:

ARTICLE I

The Contracting Parties shall promote and develop merchant shipping to the greatest extent possible in accordance with the laws, rules and regulations in force in their respective countries.

ARTICLE 2

For the purpose of this agreement:

(a) The term "vessel" shall mean any merchant vessel registered in the territory and flying the national flag of either Contracting Party in accordance with its legislation This definition excludes warships, auxiliary warships, fishing vessels and other vessels destined or used for noncommercial purposes;

(b) The term "crew" shall mean all persons, including the Master, actually employed under contract for duties on board a vessel during a voyage and included in the crew list;

(c) The term "ports" of the Contracting Parties shall mean seaports, including roadsteads, in the territory of either Contracting Party which are approved and open to international shipping.

ARTICLE 3

1. This agreement applies to the territorial sea of the Republic of the side, and the territory including of the People's Republic of Bangladesh on the other side.

2. However, the provisions of this Agreement shall not apply to transportation and activities reserved by the laws of the Contracting Parties, in particular, in provisions of port services, towing, pilotage, salvage and maritime assistance, fishing operations carried on in the territorial waters of each Contracting Party and inland navigation.

ARTICLE 4

1. The Contracting Parties shall:

(a) promote participation of their vessels in the transportation of goods between the Republic of the Philippines and the People's Republic of Bangladesh.

(b) cooperate in eliminating hindrances which may complicate merchant shipping between the ports of their respective territories;

(c) for the purpose of effectively utilizing mutually their vessels, support measures, as far as possible for the transportation of goods to and from third countries;

(d) cooperate for the employment, improvement of conditions of work and for the welfare of their seamen employed on each other's vessels.

2. The provisions of this Article shall not affect the right of vessels under the flag of a third State to participate in the transportation of goods between the territories of the Contracting Parties.

3. Shipping enterprises registered and operating under and regulations and having their registered office territory of either Contracting Party, may operate joint services as well as conclude mutual agreements on technical organizational and commercial matters, subject to existing laws and regulations of the Contracting Parties.

ARTICLE 5

1. The vessels of a Contracting Party, and the crews and cargoes, while calling at the ports of the other Contracting Party, shall enjoy treatment no less favorable than that accorded by their respective laws, rules and regulations to vessels under the flag of any third country.

2. The provisions of paragraph CD shall apply in particular with respect to:

(a) fees, dues, and charges of any kind levied in the name or for account of public institutions or their organizations, as well as the mode of their levy;

(b) mooring and unmooring, loading and unloading of vessels in the ports;

(c) services of pilots and towage and the use of canals, locks, bridges, signals and fairway lightings;

(d) the use of cranes, weighbridges, warehouses, dockyards, docks and repair shops;

(e) supply of fuel, lubricating oils, water and food;

(f) medical and sanitary care.

ARTICLE 6

The Contracting Parties shall adopt, within the limits of their respective national laws and regulations, all appropriate measures to reduce, as far as possible, the carrying out of administrative customs and sanitary 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 documents on board those vessels issued by the competent authorities of the other Contracting Party in accordance with its national laws and regulations.
2. Ships' documents on board vessels, including documents in relation to their crews, issued or recognized by the competent authorities of one Contracting Party shall be accepted by the other Contracting Party.
3. Vessels of one Contracting Party in possession of duly issued tonnage certificates shall be exempt from measurement in the ports of the other Contracting Party.

ARTICLE 8

Vessels, crews, passengers and cargoes of one Contracting Party, while in the territorial waters of the other Contracting Party, shall be subject to the respective national laws and regulations in force, especially to the rules concerning traffic and safety, public order, frontier crossing, customs, foreign exchange, health, veterinary and phytosanitary controls.

ARTICLE 9

1. Each of the Contracting Parties shall recognize the seamen's identity documents issued by the competent authority of the other Contracting Party. These seamen's identity documents are:

- (a) for nationals of the Republic of the Philippines, the "Seaman's Record Book" or the "Philippine Passports".
- (b) for nationals of the People's Republic of Bangladesh, "Seaman's Continuous Discharge Certificate".

2. A seaman holding the appropriate seaman's identity documents specified in paragraph (1), shall, subject to the provisions of paragraph (1) of the Article 10, be permitted as the case may be,

- (a) to enter, without visa, the territory of either Contracting Party for temporary shore leave when the vessel, which is engaged as a member of the crew, is in a port of that Contracting Party;
- (b) to leave the territory of either Contracting Party upon the termination of his engagement on a vessel a member of the crew, which has to be certified by a written declaration of the master, when takes place in a port of either Contracting Party;