

No. 45786

**South Africa
and
Germany**

Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Germany regarding maritime shipping. Cape Town, 10 March 1998

Entry into force: *5 March 2001 by notification, in accordance with article 17*

Authentic texts: *English and German*

Registration with the Secretariat of the United Nations: *South Africa, 2 February 2009*

**Afrique du Sud
et
Allemagne**

Accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République fédérale d'Allemagne relatif à la navigation maritime. Le Cap, 10 mars 1998

Entrée en vigueur : *5 mars 2001 par notification, conformément à l'article 17*

Textes authentiques : *anglais et allemand*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 2 février 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

A G R E E M E N T

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

REGARDING

MARITIME SHIPPING

**The Government of the Republic of South Africa
and
the Government of the Federal Republic of Germany;**

DESIROUS of promoting the development of the shipping relations between the Contracting Parties which are based on mutual interests and upon the freedom of foreign trade, and of strengthening to the greatest extent possible international co-operation in this field;

RECOGNIZING that the bilateral exchange of goods should be accompanied by an effective exchange of services;

DESIRING to maintain the close liaison between the maritime authorities and institutions of their respective countries;

MINDFUL of the international conventions on shipping safety, on the living and working conditions of seafarers, on the carriage of dangerous goods, and on the protection of the marine environment; and

HAVING regard to the commitments of the Federal Republic of Germany arising from its capacity as a member state of the European Union;

HEREBY AGREE as follows:

ARTICLE 1

DEFINITIONS

For the purposes of this Agreement the term-

- (1.) **"competent shipping authority"**, unless the context otherwise indicates, means
 - (a) in the case of the Federal Republic of Germany, the Federal Ministry of Transport and its subsidiary agencies;
 - (b) in the case of the Republic of South Africa,
 - (i) the Minister of Transport; or such other person or body authorised to perform merchant shipping functions or related maritime functions; and
 - (ii) in respect of harbours and Harbour services, the Minister of Public Enterprises.
- (2.) **"Contracting Party"** means the Government of the Republic of South Africa and the Government of the Federal Republic of Germany;
- (3.) **"member of the crew"** means the master and any other person who during the voyage has to perform duties or services on board a vessel and whose name is listed in the vessel's muster roll;
- (4.) **"passenger"** means any person present on a vessel and not appearing on the crew list or the appended list, holding a valid ticket issued by a Shipping Company and the necessary travel documents;

- (5.) **"shipping company of a Contracting Party"** means a transport company employing sea-going ships which has its domicile in the territory of that Contracting Party;
- (6.) **"vessel of a Contracting Party"** means any vessel including any chartered vessel which, in accordance with the legal provisions of that Contracting Party, flies its flag and which, in accordance with its laws, has been entered in a register, including any vessel flying the flag of a third state and employed by a shipping company of one of the Contracting Parties but excluding warships and fishing vessels, as well as those referred to in Article 8.

ARTICLE 2

INTERNATIONAL CONVENTIONS AND AGREEMENTS

- (1.) This Agreement shall not affect the rights and obligations of the Contracting Parties arising from international conventions to which they are Contracting Parties.
- (2.) The provisions of this agreement shall not affect the Parties' rights and obligations arising from the provisions of a bilateral Trade, Development and Co-operation Agreement that may be entered into between the Republic of South Africa on the one hand and the European Union and the member states of the European Union on the other hand.