

No. 49150

**Cyprus
and
Romania**

Agreement between the Government of the Republic of Cyprus and the Government of Romania on maritime transport (with notes verbales, Nicosia, 6 April 2011 and 12 April 2011). Nicosia, 23 October 2006

Entry into force: *22 July 2011 by notification, in accordance with article 24*

Authentic texts: *English, Greek and Romanian*

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**Chypre
et
Roumanie**

Accord entre le Gouvernement de la République de Chypre et le Gouvernement de la Roumanie relatif au transport maritime (avec notes verbales, Nicosie, 6 avril 2011 et 12 avril 2011). Nicosie, 23 octobre 2006

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF CYPRUS

AND

THE GOVERNMENT OF ROMANIA

ON MARITIME TRANSPORT

The Government of the Republic of Cyprus, and the Government of Romania hereinafter referred to as « the Contracting Parties»,

DESIRING to secure harmonious development of maritime transport between their States,

OBSERVING the principle of freedom of international navigation between their States,

CONSIDERING that both Contracting Parties shall render each other the fullest possible assistance for the establishment of bilateral and multilateral relations between their organizations and offices responsible for maritime transport activities,

Have agreed as follows:

ARTICLE I

Definitions

For the purpose of the present Agreement:

1. "territory of the State of one Contracting Party" means the territory of the Republic of Cyprus and the territory of Romania, respectively, in accordance with their national legislation.
2. "territorial waters of the State of one Contracting Party", for the purposes of this agreement, means the national navigable waters, including the territorial sea and internal waters, under the sovereignty of the Republic of Cyprus and Romania, respectively, in accordance with the national legislation and international regulations.
3. "vessels of the State of one Contracting Party" means the seagoing merchant vessels registered in its shipping register and entitled to fly the flag of its State, or chartered by a maritime transport company, in accordance with its national legislation.

This definition does not include:

 - a) warships and vessels for transport of armed forces;
 - b) vessels exclusively used for armed purpose;
 - c) vessels used for Governmental services;
 - d) research vessels (hydrographic, oceanographic and scientific);
 - e) nuclear vessels;

- f) fishing vessels;
 - g) pleasure boats with or without mechanical propulsion;
 - h) vessels used for public services;
 - i) vessels used for non-commercial purpose.
4. "maritime transport company" of the State of one Contracting Party means a legal person registered in accordance with the legislation in force in the territory of the State of that Contracting Party, owning or operating vessels.
5. "crew members" means any person, including the master, actually employed in the service of a vessel for duties on board during a voyage and included in the crew list.
6. "passengers" means those persons on board a vessel of the State of either Contracting Party who are not engaged in any capacity on board and whose names are included in the passenger list of the said vessel.
7. "ports of the State of one Contracting Party" means the places in the territory of the State of one Contracting Party open for international shipping for loading, unloading or transshipment of goods and/or passengers, as well as officially authorized mooring places, including roadsteads.

ARTICLE 2

Application

The present Agreement shall be applied to the territories of the Republic of Cyprus and Romania.

ARTICLE 3

Competent authorities

The matters referring to the implementation of the present Agreement will be dealt with by the competent authorities of the Contracting Parties.

These competent authorities are:

- For the Government of the Republic of Cyprus - The Ministry of Communications and Works.
- For the Government of Romania – The Ministry of Transport, Construction and Tourism.

In case any of the competent authorities mentioned in this paragraph is changed, the name of the new authority will be notified to the other Contracting Party through diplomatic channels.

ARTICLE 4

Freedom of navigation

1. The Contracting Parties shall render each other every possible assistance for the development of maritime transport between their States and shall refrain from taking any measures that may harm the normal progress of free international navigation.

For this purpose, the Contracting Parties agree as follows:

- a) to encourage the vessels of the State of each Contracting Party to participate in the transportation of goods between the ports of both States, and to cooperate for the elimination of any obstacles that may affect the development of such transportation;
 - b) not to create obstacles for the vessels of the State of either Contracting Party in carrying goods between the ports of their States and ports of third States and to facilitate with every available means the unhindered execution of such carriage.
2. The provisions of paragraph 1 of this Article shall not prejudice the right of vessels flying the flag of third States to participate in the sea trade between the ports of the States of the Contracting Parties and the ports of third States.

ARTICLE 5

Treatment of vessels in ports

1. Each Contracting Party shall grant to the vessels of the State of the other Contracting Party, as well as their cargo, when they are within the territorial waters, of its State the same rights as to its own vessels regarding:

- a) freedom of access to the territorial waters and ports;
 - b) use of the ports for loading and unloading of cargo;
 - c) embarkation and disembarkation of passengers;
 - d) access to pilotage services;
 - e) freedom of access to all port services;
 - f) port dues and charges.
2. The provisions of paragraph 1 of this Article shall not apply to the activities which, according to the national legislation of the State of each Contracting Party, are reserved for their own maritime transport companies and organizations, such as cabotage, tug services, pilotage, port auxiliary services and salvage operations.

ARTICLE 6

Facilitation of operations in ports

The Contracting Parties shall adopt, within the limits of their respective national laws and regulations, all the appropriate measures to reduce unnecessary delays of vessels in the ports of their States and to simplify, as far as possible, the carrying out of administrative, customs and sanitary formalities applicable in these ports.

ARTICLE 7

Bareboat registration

Vessels of the State of one Contracting Party may be registered under bareboat registration for a specified period of time in the shipping register of the State of the other Contracting Party and fly that State's flag, provided that the vessel is bareboat chartered by a national or by a maritime transport company of the State of the other Contracting Party, registered therein and being qualified to own a vessel flying its State

flag. For such registration the approval of the competent authorities of both Contracting Parties is required and any conditions imposed must be complied with. The vessel will not be deleted from the shipping register of the State of one Contracting Party and its registration will remain valid as regards ownership and registered mortgages, but its nationality and the right to fly the flag of its State shall be suspended.

ARTICLE 8

Recognition of vessel status and documents

1. The nationality/registry, tonnage measurement for non convention vessels and other vessel documents, issued or recognized by the competent authority of one Contracting Party, in accordance with the national legislation and international regulations, shall be recognized by the competent authority and other appropriate authorities of the other Contracting Party.
2. Except in the case of sale of a vessel by a court order, the vessels of the State of one Contracting Party cannot be registered in the shipping register of the State of the other Contracting Party, save in the case of a bareboat charter registration, without the presentation of a deletion certificate issued by the competent authority of the first Contracting Party.

ARTICLE 9

Seamen's identity documents

1. The Contracting Parties shall mutually recognize the identity documents issued by their appropriate authorities to the crew members on board the vessels of their States.

These identity documents are:

For the Cypriot side:

The "Seafarer's Identification and Sea Service Record Book" and the passport issued by the appropriate Cypriot authorities, to the nationals of the Republic of Cyprus.

For the Romanian side:

The "Romanian Seaman's Book" and the passport issued by the appropriate Romanian authorities, to the nationals of Romania.

In case any of the identity documents mentioned in this paragraph is replaced or any new identity document is added, the new name will be notified to the other Contracting Party through diplomatic channels.

2. The provisions of Articles 10 and 11 of the present Agreement shall be accordingly applied to any person who is neither a Cypriot nor a Romanian national but holds an identity document corresponding to the provisions of either the Convention on Facilitation of International Maritime Traffic, 1965 as amended, London, 1965 or the Seafarers' Identity Documents Convention, No. 108, Geneva, 1958. Such an identity document must be issued by a State which is party to the relevant convention and guarantees the readmission of the bearer to the country which issued the document.