

No. 51384

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**Germany
and
Republic of Korea**

Agreement between the Government of the Federal Republic of Germany and the Government of the Republic of Korea on Maritime Shipping. Leipzig, 3 May 2012

Entry into force: *13 September 2013 by notification, in accordance with article 18*

Authentic texts: *English, German and Korean*

Registration with the Secretariat of the United Nations: *Germany, 10 October 2013*

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**Allemagne
et
République de Corée**

Accord entre le Gouvernement de la République fédérale d'Allemagne et le Gouvernement de la République de Corée sur le transport maritime. Leipzig, 3 mai 2012

Entrée en vigueur : *13 septembre 2013 par notification, conformément à l'article 18*

Textes authentiques : *anglais, allemand et coréen*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Allemagne, 10 octobre 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

Agreement

between

the Government of the Federal Republic of Germany

and

the Government of the Republic of Korea

on Maritime Shipping

The Government of the Federal Republic of Germany
and
the Government of the Republic of Korea
(hereinafter referred to as the “Contracting Parties”),

Desirous of providing, in the common interest of both Contracting Parties, a persistent legal foundation for reciprocal trading relations through shipping with a view to ensuring the freedom of foreign trade and to enhancing, to the greatest degree possible, international co-operation in this field;

Recognizing that the bilateral exchange of goods should be accompanied by an effective exchange of services based upon the principle of competition;

Referring to the United Nations Convention on the Law of the Sea and the international conventions on the safety of navigation, the facilitation of international maritime transport, the living and working conditions of seafarers, the carriage of dangerous goods, and the protection of the marine environment, to which both countries are parties;

Have agreed as follows:

Article 1
Definitions

For the purposes of the present Agreement:

- (a) the term “vessel of a Contracting Party” shall mean any vessel registered in the Ship Registry of either Contracting Party and flying its flag in accordance with its laws and regulations. For the purposes of Articles 3, 5, 11, 12, and 13, any vessel flying the flag of a third state and employed by a shipping company of one of the Contracting Parties shall also be deemed to be a “vessel of a Contracting Party”;
- (b) the term “shipping company of a Contracting Party” shall mean a transport company which employs sea-going ships and has its registered office in the territory of such Contracting Party;

- (c) the term “members of the crew” shall mean the master and any other person employed or engaged or working in any capacity on board a vessel;
- (d) the term “cabotage” shall mean, the transport of goods and passengers between the ports or points in the waters under the jurisdiction of one of the Contracting Parties including its exclusive economic zone or continental shelf in accordance with its legislation and the relevant international law. However, the sailing of a vessel of one Contracting Party between ports of the other Contracting Party for the purpose of unloading cargo and/or disembarking passengers taken on in a third country or loading goods or embarking passengers to be taken to a third country shall not be deemed to be cabotage;
- (e) the term “competent authorities” shall mean,
 - (i) with regard to the Republic of Korea, the Ministry of Land, Transport and Maritime Affairs,
 - (ii) with regard to the Federal Republic of Germany, the Federal Ministry of Transport, Building and Urban Development and the authorities subordinate to it.

In case of any changes concerning the names or functions of the competent authorities, the Contracting Parties shall make the necessary notifications through diplomatic channels.

Article 2 International Conventions

The present Agreement shall not affect the rights and obligations of the Contracting Parties arising from international conventions to which either of them is party.

Article 3 Freedom of Traffic and Non-Discrimination

- (1) A vessel of a Contracting Party shall be entitled to sail between any of the ports in the territory of either Contracting Party that are open to international trade and to carry

passengers and cargo between the territories of the Contracting Parties as well as between either of these and third states.

(2) The Contracting Parties shall refrain from any action that might be detrimental to the unrestricted participation of the shipping companies of the Contracting Parties in maritime transport, in the transport of cargo between their countries, as well as between either country and third countries. The principles of non-discrimination, of free competition, and of the free choice of shipping company shall apply.

(3) For the purpose of this Article, access to the international maritime transport market shall include, *inter alia*, the right for international maritime transport providers of each Contracting Party to arrange door-to-door transport services involving a sea leg, and to this effect to directly contract with local providers of transport modes other than maritime transport in the territory of the other Contracting Party without prejudice to applicable nationality restrictions concerning the carriage of goods and passengers by those other transport modes.

(4) Subject to the application of the principle of reciprocity, shipping companies from third countries and vessels flying the flag of a third state may participate without restriction in the transport of goods exchanged within the framework of the foreign trade of the Contracting Parties.

Article 4

Measures to Facilitate Maritime Transport

(1) Within the framework of their legal régime, the Contracting Parties shall take all measures necessary to facilitate and promote seaborne transport, to avoid any unnecessary prolongation of lay times, and to expedite and simplify, wherever possible, customs and other formalities to be observed in ports as well as to facilitate the use of existing installations for the disposal of waste.

(2) The Contracting Parties, upon the entry into force of the present Agreement, shall refrain from implementing all unilateral administrative, technical, and other measures that entail an indirect restriction of, and have discriminatory effects upon, the free offer of services in international maritime transport.