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**United States of America
and
Viet Nam**

**Agreement on maritime transport between the Government of the United States of America
and the Government of the Socialist Republic of Vietnam. Washington, 15 March 2007**

Entry into force: *15 July 2007, in accordance with article 11*

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**États-Unis d'Amérique
et
Viet Nam**

**Accord sur le transport maritime entre le Gouvernement des États-Unis d'Amérique et le
Gouvernement de la République socialiste du Vietnam. Washington, 15 mars 2007**

Entrée en vigueur : *15 juillet 2007, conformément à l'article 11*

Textes authentiques : *anglais et vietnamien*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
ON
MARITIME TRANSPORT
BETWEEN
THE GOVERNMENT OF
THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF
THE SOCIALIST REPUBLIC OF VIETNAM**

The Government of the United States of America and the Government of the Socialist Republic of Vietnam, hereinafter referred to as the “Parties”,

Desiring to strengthen and to extend cooperation in the field of maritime transport on the basis of the principles of equal access and mutual benefit,

Noting the economic importance to shippers, manufacturers, and consumers of an integrated transportation system with efficient logistical and intermodal features,

Have agreed as follows:

Article 1

Definitions

For the purposes of this Agreement:

1. The term “Vessel of a Party” means:

- (a) Any merchant vessel registered in the territory of either Party in accordance with its laws and regulations and used for either commercial shipping or a merchant marine training vessel, or
- (b) Any merchant vessel registered in the territory of a third country that is operated or chartered by a shipping company of either Party, including vessels owned, operated, or chartered, including space-chartered in container shipping.

The term “Vessel of a Party” shall not include the following vessels:

- (i) Warships (as defined in the 1982 United Nations Convention on the Law of the Sea);
 - (ii) Vessels engaged in meteorological, hydrographic, or oceanographic field research;
 - (iii) Fishing vessels;
 - (iv) Recreational vessels; or
 - (v) Public vessels and any vessels used for non-commercial purposes other than merchant marine training vessels.
2. The term “crew member” means the master, officers, seamen, or any persons employed for duties on board a vessel of either Party and whose name is included on the crew list of such vessel.
3. The term “passenger” means a person carried by a vessel of either Party under a contract of carriage and whose name is included in the passenger list of such vessel.
4. The term “port of a Party” means any seaport in the territory of a Party that is declared open to international shipping by that Party.
5. The term “shipping company” means any enterprise that is established and operated under the laws of a Party, and that engages in international maritime transport.

6. The term “merchant marine training vessel” means any vessel owned and operated by Government authorities for the sole purpose of training and education of seafarers.
7. The term “competent authorities” means:
 - (a) For the Government of the Socialist Republic of Vietnam: the Vietnam Maritime Administration, the Ministry of Transport or such other body as the Government of Vietnam may designate.
 - (b) For the Government of the United States of America: the Maritime Administration, Department of Transportation, or such other body as the United States Government may designate.
8. The term “cargo agency services” means the solicitation and booking of cargo; assessment, collection, and remittance of freight and other charges arising out of service contracts or tariffs; negotiation and entering into service contracts, multimodal transportation agreements and contracts of affreightment; quoting and publishing tariffs; arranging transport services using commercial bills of lading or combined transport documents; direct marketing and sales of maritime transport and related services with customers.
9. The term “cargo management” means the scheduling, coordination and tracking of goods in international trade for their transport, storage and delivery from different sources to different destinations on behalf of customers and processing of data, information and documentation related to these goods.
10. The term “cargo documentation” means the preparation of transport documents, including cargo manifests, customs documents, or other documents related to the origin, destination and character of the goods transported; signing and issuing cargo receipts; preparing, authenticating, processing and issuing bills of lading, including through bills of lading, that are generally accepted in international maritime transport.
11. The term “ocean freight forwarding” means the assembling, collecting, consolidation and dispatch of shipments via an ocean carrier and booking or otherwise arranging space for those shipments on behalf of shippers and processing the documentation for performing related activities incident to those shipments.
12. The term “container station and depot services” means the storage of containers, whether in port areas or inland, and their stuffing, stripping, repairing and making containers available for shipment.

Article 2

Market Access

1. The vessels of each Party have the right to transport passengers and cargo between the territories of the two Parties and between the territory of each Party and the territory of third countries. Nothing in this Agreement, however, confers on vessels of one Party the right to take on board, in the territory of the other Party, passengers or cargo destined for another point in the territory of that other Party (cabotage).
2. The vessels of each Party shall have the right to transport between ports of the other Party empty cargo vans, empty lift vans, and empty shipping tanks; equipment for use with cargo vans, lift vans or shipping tanks; empty barges especially designed for carriage aboard vessels and equipment, excluding propulsion equipment for use with such barges; and empty instruments of international traffic, including containers; provided that all such articles are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade.
3. The vessels of each Party have the right to call at the ports of the other Party, subject to advance notice requirements of such entry to the appropriate authorities of that Party. However, nothing in this Agreement concerning port access shall be construed to prevent either Party from taking action necessary for the protection of its national security, safety, or environmental interests.
4. The vessels of each Party shall be treated at least as favorably as merchant vessels of the other Party and at least as favorably as such vessels of any other country with respect to access to port facilities in the territory of the other Party, including berths, quays, cargo- and vessel-handling equipment, warehouses, and the collection of port dues and charges.

Article 3

Commercial Opportunities

1. Shipping companies of each Party shall have the right to invest up to 51% of the legal capital of joint ventures established with entities of the other Party in the territory of the other Party to engage in the transportation of international ocean freight.