

Αριθμός 11

Η Συμφωνία μεταξύ της Κυπριακής Δημοκρατίας και της Δημοκρατίας της Κούβας για την Εμπορική Ναυτιλία, που σύμφωνα με το Άρθρο 169.1 του Συντάγματος, συνολογήθηκε στις 16 Μαΐου 2000, ύστερα από Απόφαση του Υπουργικού Συμβουλίου με Αρ. 51.553 και ημερομηνία 12 Απριλίου 2000, δημοσιεύεται στην Επίσημη Εφημερίδα της Δημοκρατίας σύμφωνα με τις διατάξεις του Άρθρου 169.3 του Συντάγματος.

AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF CYPRUS  
AND  
THE GOVERNMENT OF THE REPUBLIC OF CUBA  
ON MERCHANT SHIPPING

The Government of the Republic of Cyprus and the Government of the Republic of Cuba hereinafter referred to as the "Contracting Parties";

Desiring to strengthen the friendly relations existing between the two countries and to intensify their economic relations;

Aiming to develop and promote cooperation between the Republic of Cyprus and the Republic of Cuba in the field of merchant shipping on a mutually advantageous basis in accordance with their respective needs and objectives for economic development;

Have agreed as follows:

*Article 1*

*Cooperation*

The Contracting Parties agree to cooperate on the basis of equal rights, mutual benefit and the principle of freedom of navigation in order to develop the maritime relations between the Republic of Cyprus and the Republic of Cuba.

*Article 2*

*Competent Authorities*

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

The competent authorities are:

In the case of the Republic of Cyprus, the Ministry of Communications and Works

In the case of the Republic of Cuba, the Ministry of Transportation

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

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*Article 3*

*Definitions*

For the purpose of the present Agreement:

(a) The term "vessel of the Contracting Parties" shall mean any merchant vessel registered in the territory of either Contracting Party and flying the national flag in accordance with its laws and regulations. It shall also mean any vessel used on a time charter basis or fully managed by a shipping enterprise of either Contracting Party flying a flag acceptable by either Contracting Party.

This definition does not include warships, auxiliary warships, fishing vessels, vessels used for performing state duties, vessels used for marine research programs, vessels performing hydrographic surveys and any other vessel used for non-commercial 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 "shipping enterprise of a Contracting Party" shall mean an enterprise, operating vessels, registered and operating under the laws and regulations and having its registered office in the territory of either Contracting Party.

(d) 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 4*

*Cooperation in Transport*

(1) The Contracting Parties agree to develop the maritime transport between their countries by using their vessels without affecting the participation of vessels flying the flag of third countries in the sea trade between their ports.

(2) The vessels of each Contracting Party are entitled to sail or to be between ports of either Contracting Party which are open to international shipping for the transportation of goods and passengers.

(3) Shipping enterprises registered in a third country may freely participate in the transportation of goods between the territories of the Contracting Parties.

(4) The Contracting Parties agree to cooperate:

- (i) in eliminating any hindrances which may hamper the development of sea trade between their countries;
  - (ii) for the employment, improvement of conditions of work and for the welfare of their seamen employed on each other's vessels.
- (5) In conformity with this Article the shipping enterprises of either Contracting Party may agree to operate jointly or separately line services as well as to conclude agreements on technical and commercial matters related to shipping.

*Article 5*

*International Commitments*

The provisions of the present Agreement shall not affect the rights and obligations stipulated in the relevant international maritime conventions to which either Contracting Party is a member.

*Article 6*

*Non-discriminatory Measures*

Each Contracting Party shall refrain from enforcing discriminatory measures in international maritime transport which may affect adversely the maritime interests of the other Contracting Party.

*Article 7*

*National Treatment*

(1) Each Contracting Party shall afford to vessels of the other Contracting Party the same treatment as it affords to its own vessels engaged in international voyages in respect of free access to ports, use of ports for loading and unloading of cargoes and for embarking and disembarking passengers, payment of dues and other charges in accordance with the national laws and regulations, exercising normal commercial operations and use of services related to navigation.

- (2) The provisions of paragraph (1) of this Article:
  - (a) shall not apply to ports not open to the entry of foreign vessels;
  - (b) shall not apply to the activities reserved by each of the Contracting Parties for their organisations or enterprises;
  - (c) shall not oblige a Contracting Party to extend to vessels of the other Contracting Party exemptions from compulsory pilotage requirements granted to its own vessels.

*Article 8**Parallel Registration*

(1) Vessels of the one Contracting Party may be registered in parallel for a specified period of time in the other Contracting Party and fly that Party's flag, provided that the vessel is bareboat chartered by a national of the other Contracting Party or by a corporation registered therein being qualified to own a vessel flying its 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 register of the one Contracting Party and its registration will remain valid as regards ownership and registered mortgages, but its nationality shall be suspended.

(2) In case the national legislation of the one Contracting Party has no express provisions as to the mode of registration of ships in parallel, this Contracting Party herewith agrees that its administrative practice shall be guided by the relevant provisions and requirements of the legislation of the other Contracting Party.

*Article 9**Use of Income and Transfer of Earnings*

(1) Shipping companies of either Contracting Party shall have the right to use income and other revenue obtained in freely convertible currency within the territory of the other Contracting Party and deriving from maritime transport operations, for the purpose of making payments in the territory of that Contracting Party. Any surpluses, after settlement of all amounts due locally, including tax, if any, are remittable abroad.

(2) Members of the crew of vessels of either Contracting Party are free to transfer their earnings in convertible currency to another country in accordance with the laws and regulations in force in the country where such a transfer is made.

*Article 10**Tax Exemption*

The freight income from the operation of the vessels of the one Contracting Party, in the international seaborne trade, by the organisations, enterprises or companies established in accordance with its national legislation, shall be tax exempted in the territory of the other Contracting Party.

Article 11

*Compliance with National Regulations*

Vessels of one Contracting Party and of its shipping enterprises shall be subject to national laws and regulations of the other Contracting Party while in its territory.

Article 12

*Facilitation in Ports*

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

Article 13

*Recognition of Vessels' Nationality and Documents*

(1) Each of the Contracting Parties shall recognise the nationality of a vessel of the other Contracting Party on the basis of the documents on board that vessel issued by the competent authorities of the other Contracting Party in accordance with its national laws and regulations.

(2) Vessel's documents on board, including documents in relation to the tonnage and the crew, issued or recognised by the competent authorities of one Contracting Party shall be accepted by the competent bodies of the other Contracting Party.

Article 14

*Recognition of Identity Documents*

(1) Each of the Contracting Parties shall recognise the identity documents issued by the competent authorities of the other Contracting Party to members of the crew who are nationals of either Contracting Party and shall grant to the holders of such documents the rights provided for in Article 15 of the present Agreement under the conditions stipulated therein.

The identity documents are:

The "Cyprus Seaman's Book" and the Passport issued by the Ministry of Interior of the Republic of Cyprus for nationals of the Republic of Cyprus.

The "Seaman's Passport" for nationals of the Republic of Cuba.

(2) The provisions of Article 15 of the present Agreement shall be accordingly applied to any person who is neither a Cypriot nor a Cuban citizen but holds identity documents corresponding to the provisions of either the Convention on Facilitation of International Maritime Traffic, 1965 and its Annex, or the Convention Concerning Seafarers' National Identity Documents No. 108 of the International Labour Organisation. The readmission of the bearer of such identity documents to the issuing country is guaranteed.

(3) The provisions of Article 15 of the present Agreement shall apply, to the extent possible, to any person who is neither a Cypriot nor a Cuban citizen and holds an identity document other than that mentioned in paragraph (2) of this Article.

#### Article 15

##### *Entry, Transit and Stay of Crew Members in Ports*

(1) Holders of the seamen's identity documents, specified in Article 14 of the present Agreement, who are members of the crew, as well as the members of their families who are on board the same vessel and are included in the crew list or in the list of passengers, as the case may be, will be allowed to have temporary shore leave, without visas, as long as the vessel stays in the port of the other Contracting Party, provided that the master has submitted the crew list and the list of passengers containing the names of the crew's members of families, to the appropriate authorities, in accordance with the laws and regulations in force in that port.

(2) Holders of the seamen's identity documents specified in Article 14 of the present Agreement, are permitted as passengers of any means of transport to enter the territory of the other Contracting Party or to pass through its territory in transit, whenever they are on the way to their vessel or moving to another vessel, on the way to the motherland or going for any other reason, approved by the authorities of this other Contracting Party.

(3) In all cases specified in paragraph (2) of this Article, authorities of the relevant Contracting Party shall grant the necessary visas at the point of entry with the shortest possible delay.

(4) In case the holder of the seaman's identity document specified in Article 14 of the present Agreement, is not a citizen of either Contracting Party, the visas specified in this Article shall be granted, provided that the return to the country which has issued the seaman's identity document is guaranteed to the holder.

(5) Members of the crew of a vessel of one Contracting Party who need to be hospitalised are permitted to stay for medical treatment in the territory of the other Contracting Party, in accordance with its laws and regulations.

(6) While landing and returning to the vessel, the persons mentioned above are subject to frontier and customs control in force in that port.

(7) Each of the Contracting Parties reserves the right to deny entry to its territory to seamen whom it considers undesirable.

(8) The regulations of either Contracting Parties relating to entry, stay and leaving of persons other than crew members and their families are not affected.

#### Article 16

##### *Technical Cooperation*

The Contracting Parties agree to render to each other, within the available possibilities, technical assistance in developing merchant fleets including training of seamen. For this purpose the Contracting Parties shall encourage, support and facilitate cooperation between their appropriate training institutions and maritime organisations.

#### Article 17

##### *Employment of Seamen*

(1) For the safe manning of the merchant vessels registered in its territory with qualified personnel, shipowners of a Contracting Party may engage, in accordance with its relevant laws and regulations, qualified nationals of the other Contracting Party. The terms of employment of such nationals on vessels registered in the other Contracting Party's territory shall be approved by the competent authorities of the seamen's country. In this regard each Contracting Party shall exert its best efforts to ensure that these terms of employment are adhered to.

(2) Any dispute arising out of the respective employment contract between a shipowner of one Contracting Party and a seaman of the other Contracting Party shall be referred for settlement to the exclusive jurisdiction of the competent Courts or Authorities in the country of the seaman's nationality.

#### Article 18

##### *Marine Casualties*

(1) If a vessel of one Contracting Party suffers shipwreck, runs aground, is cast ashore, or suffers any other accident in the territorial waters of the other Contracting Party, the vessel and the cargo shall enjoy in the territory of the latter Party the same benefits and privileges and accept the same liabilities as are accorded to a vessel of that Party and its cargo. The master, the crew and passengers as well as the vessel itself and its cargo, shall be granted, at any time, help and assistance to the same extent as in the case of a national vessel.

(2) The cargo, equipment, fittings, stores or other articles rescued from a vessel which has suffered an accident referred to in paragraph (1) of this Article, shall not be liable to customs duties or other taxes of any kind.

imposed upon or by reason of importation, provided that they are not delivered for use or consumption in the territory of the other Contracting Party.

(3) Nothing in the provisions of paragraph (2) of this Article shall be construed so as to preclude the application of the laws and regulations of the Contracting Parties with regard to the temporary storage of goods.

(4) Nothing in this Article shall prejudice any claim for salvage in respect of any help or assistance given to a vessel and its cargo.

(5) The competent authorities of one Contracting Party, in whose territory a vessel of the other Contracting Party has suffered a casualty, as described in paragraph (1) of this Article, shall immediately notify of the event the nearest consular representative of the other Contracting Party and conduct an investigation into the cause of the casualty in accordance with its national legislation, or provide every possible assistance for carrying out such investigation.

#### *Article 19*

##### *Permanent Representation*

Shipping organisations and enterprises of one Contracting Party shall be entitled to establish permanent representation in the territory of the other Contracting Party, in accordance with the latter's laws and regulations.

#### *Article 20*

##### *Facilitation of Representatives*

Each Contracting Party shall, in accordance with its laws and regulations, allow authorized government representatives or diplomatic and consular missions, as well as representatives of shipping enterprises of the other Contracting Party, to enter its ports and board its vessels, in order to perform duties related to the activities of these vessels and their crews.

#### *Article 21*

##### *Closed Ports*

Notwithstanding the provisions of the present Agreement, vessels of one Contracting Party shall not enter a port of the other Contracting Party which has been closed to international shipping by the latter Party.



*Article 22**Joint Maritime Commission*

- (1) For the purpose of ensuring the effective implementation of the present Agreement a Joint Maritime Commission is set up composed of representatives of the competent authorities of the Contracting Parties and experts appointed by them.
- (2) The Commission shall consider matters of mutual interest in the field of shipping and deal with any persistent problem which may arise in the course of the application of the present Agreement.
- (3) The Commission is convened at the request of either Contracting Party.

*Article 23**Settlement of Differences*

- (1) Any differences in the interpretation and/or application of the present Agreement will be settled by means of direct negotiations between the competent authorities of the Contracting Parties.
- (2) In case an agreement is not reached, the differences will be settled through diplomatic channels.

*Article 24**Entry into Force and Denunciation*

- (1) The present Agreement shall enter into force thirty days after the receipt of the later notification signifying the ratification of the Agreement in accordance with the constitutional procedures or national laws and regulations of each Contracting Party.
- (2) The present Agreement is concluded for an unlimited period of time and it may be denounced by either Contracting Party by giving a written notice of denunciation to the other Contracting Party, through diplomatic channels. The denunciation shall be effective six (6) months after the receipt of such notification.

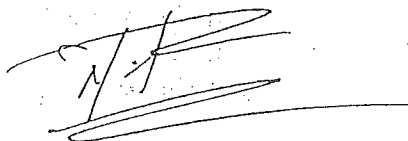
*Article 25**Amendments*

The Contracting Parties may review the present Agreement and any alteration of, or amendment to this Agreement shall be agreed upon in writing between them and shall enter into force in accordance with the procedure described in Article 24.

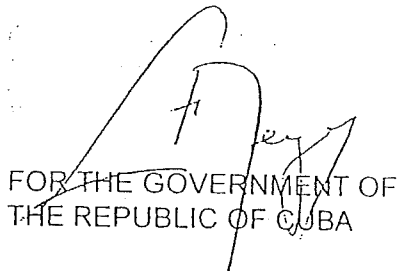
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Done in Nicosia this 16th day of May, 2000 in two originals in the English, Greek and Spanish languages all texts being equally authentic. In the event of any disagreement in interpretation, the English text shall prevail.



FOR THE GOVERNMENT OF  
THE REPUBLIC OF CYPRUS



FOR THE GOVERNMENT OF  
THE REPUBLIC OF CUBA