

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

The Government of the Republic of Cyprus and the Government of the Republic of India herein after 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 India 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

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

ARTICLE 2

For the purpose of this Agreement:

- (a) The term "vessel" shall mean any merchant vessel registered in the territory and flying the national flag of either Contracting Party in accordance with its laws and regulations.

This definition excludes warships, auxiliary warships, fishing vessels and other vessels destined or 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 "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 3

The territories of the Contracting Parties to which the present Agreement applies are:

- (a) on the part of Cyprus, the Republic of Cyprus, and
- (b) on the part of India, the Republic of India.

ARTICLE 4

- (1) The Contracting Parties agree:
 - (a) to promote participation of their vessels in the transportation of goods between their countries;
 - (b) to co-operate in eliminating any hindrances which may hamper the development of sea trade between their countries;
 - (c) for the purpose of effectively utilising their vessels, to encourage the participation of their vessels, as far as possible, in the transportation of goods between their countries and to and from third countries.
 - (d) to cooperate for the employment, improvement of conditions of work and for the welfare of their seamen employed on each other's vessels.
- (2) The provisions of this Article shall not affect the participation of vessels of third countries in the sea trade between the ports of the Contracting Parties.
- (3) In conformity with this article the shipping enterprises registered and operating in accordance with the laws and regulations of either State 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

- (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 of passengers, payment of dues and taxes based on the tonnage or otherwise, 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 including, in particular, national cabotage;
- (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;
- (d) shall not affect the regulations concerning entry and stay of foreigners.

ARTICLE 6

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 7

- (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 8

- (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 that Contracting Party and shall grant to the holders of such documents the rights provided for in Articles 9, 10 and 11 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 "Continuous Discharge Certificate" issued by the Shipping Master or Competent Officer under the Directorate General of Shipping, Ministry of Surface Transport, Government of India, for nationals of the Republic of India.

- (2) The provisions of Articles 9, 10 and 11 of the present Agreement shall be accordingly applied to any person who is neither a Cypriot nor an Indian 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. Such identity documents must be issued by a country which is a party to the relevant convention and the readmission of the bearer to that country is guaranteed.
- (3) The provisions of Articles 9, 10 and 11 of the present Agreement shall apply, to the extent possible, to any person who is neither a Cypriot nor an Indian citizen and holds an identity document other than that mentioned in paragraph 2 of this Article.

ARTICLE 9

- (1) Holders of the seaman's identity document specified in Article 8 of the present Agreement, being members of the crew, are permitted to stay for temporary shore leave, without visas, during the stay of the vessel in a port of the other Contracting Party, provided the master has submitted the crew list to the competent authorities in accordance with the regulations in force in that port.
- (2) While landing and returning to the vessel, the persons mentioned above are subject to frontier and customs control in force in that port.

ARTICLE 10

- (1) Holders of the seaman's identity document specified in Article 8 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.
- (2) In all cases specified in paragraph 1 of this Article authorities of the relevant contracting Party shall grant the necessary visas at the point of entry with the shortest possible delay.
- (3) In case the holder of the seaman's identity document specified in Article 8 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.

ARTICLE 11

- (1) The seamen who possess the identity documents mentioned in Article 8 and are included in the crew list of the vessel, as well as the members of their families embarked on the same vessel, shall enjoy the right of shore admittance for temporary stay in the port town during the period of the vessel's stay in that port.
- (2) The shore admittance and their temporary stay in the port town, as well as the trip from the port town to another place or port of the same State for service purposes, or in order to contact the diplomatic office or the consular office of their State, are subject to the local regulations.
- (3) Each of the Contracting Parties reserves the right to deny entry to its territory to seamen whom it considers undesirable.

ARTICLE 12

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 13

Shipping organisations and enterprises registered, operating and having their registered office in the territory 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 14

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

ARTICLE 15

- (1) If a vessel of one Contracting Party suffers shipwreck, runs aground, is cast ashore, or suffers any other accident off the coast of the territory 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), shall immediately notify the nearest consular representative of the other Contracting Party of the event and conduct an investigation into the cause of the casualty or provide every possible assistance for carrying out such investigation.

ARTICLE 16

Notwithstanding the provisions of this Agreement, vessels belonging to, operated or chartered by an enterprise registered and operating under the laws and regulations of one Contracting Party and having its registered office in its territory, shall not be chartered for or enter a port of the other Contracting Party which has been closed to international shipping by the latter Party.

ARTICLE 17

The taxation of income derived from the use of vessels in international traffic shall be regulated by the provisions of the Agreement between the Republic of Cyprus and the Republic of India for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital, of 13 June, 1994.

ARTICLE 18

Residents of any one of the Contracting Parties who are employed on board vessels registered in the other Contracting Party as masters, officers or other members of the crew should be taxed on

income derived from wages or other benefits in respect of paid services rendered, only in the Contracting Party where the vessel is registered and is flying its flag.

ARTICLE 19

- (1) The provisions of this Agreement do not affect the rights and obligations of the Contracting Parties arising out of the international maritime conventions accepted by both Contracting Parties.
- (2) Unless otherwise provided in this Agreement, the national legislation of each Contracting Party shall be applied.

ARTICLE 20

- (1) For the purpose of ensuring the effective implementation of this Agreement a maritime Joint Commission is set up composed of representatives of the administrations and experts appointed by the Contracting Parties.
- (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 this agreement.
- (3) The Commission is convened at the request of either Contracting Party.

ARTICLE 21

- (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 India;
The Ministry of Surface Transport.

- (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.

ARTICLE 22

- (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 two Contracting Parties.

- (2) In case these authorities do not reach an agreement, the differences will be settled through diplomatic channels.

ARTICLE 23

- (1) The 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 and/or national laws and regulations of each Contracting Party.
- (2) The present Agreement is concluded for an unlimited period and it may be terminated by either Contracting Party at six months' notice communicated, through diplomatic channels, to the other Contracting Party.

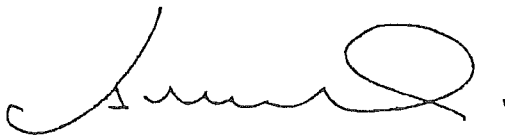
ARTICLE 24

Any alteration of, or amendment to this Agreement shall be agreed upon in writing between the Contracting Parties and shall enter into force following the same procedure as described in Article 23.

DONE in New Delhi this 11th day of February 1997 in two originals in the English, Greek and Hindi languages all texts being equally authentic.

In case of divergence the English text shall prevail.

FOR THE GOVERNMENT OF THE
REPUBLIC OF CYPRUS



ALECOS MICHAELIDES

FOR THE GOVERNMENT OF THE
REPUBLIC OF INDIA



T. G. VENKATRAMAN