



On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Azerbaijan on Cooperation in the Field of Maritime Merchant Shipping

Unofficial translation

Decree of the Government of the Republic of Kazakhstan № 444 of April 11, 2012

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The Government of the Republic of Kazakhstan **HEREBY DECREES AS FOLLOWS:**

1. That the attached Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Azerbaijan on Cooperation in the Field of Maritime Merchant Shipping, executed in the city of Almaty on October 20, 2011 shall be approved.

2. This Decree shall be enforced from the date of signing.

Prime Minister of the Republic of Kazakhstan

K. Massimov

Approved
by Decree of the Government
of the Republic of Kazakhstan
№ 444 of April 11, 2012

Agreement

between the Government of the Republic of Kazakhstan and the Government of the Republic of Azerbaijan on Cooperation in the Field of Marine Merchant Shipping

The Government of the Republic of Kazakhstan and the Government of the Republic of Azerbaijan, hereinafter referred to as "Contracting Parties", desiring to strengthen and develop relations between the two countries in the field of maritime merchant shipping in accordance with the principles of equality, mutual benefit and mutual assistance, have agreed as follows.

Article 1

1. Key terms used for purposes of this Agreement:

"Vessel of a Contracting Party" – any vessel entered in the state ship register or other corresponding official registry of this Contracting Party and bearing the flag of the state of this Contracting Party in accordance with its laws and regulations.

However, this term shall not include:

warships and other ships used for non-commercial purposes;

vessels used for hydrographic, Oceanographic and scientific research;

the fisheries and the inspection of the court;

vessels used for cabotage between the seaports of the States of each Contracting party and the inland waters;

vessels intended for providing port, roadstead and other services, including pilotage services, towage;

sports boats and yachts.

"Crew member" – the captain of the vessel and any other person working on board of the vessel performing duties related to the operation of the vessel or servicing on it, whose name is entered in the crew list, and having identification documents of the seafarer in accordance with article 8 of this Agreement.

"Sea port" – the complex of buildings located on the provided in accordance with the laws of the States of the Contracting Parties to the order the land plots intended for maintenance of ships, passengers, baggage and operations with cargoes, and for other purposes of marine transport activities.

"Competent authorities":

on behalf of the Republic of Kazakhstan – the Ministry of Transport and Communications of the Republic of Kazakhstan;

on behalf of the Republic of Azerbaijan the State Maritime Administration of the Republic of Azerbaijan.

2. In case of change in the names or functions of competent authorities, the Contracting Parties shall inform of it each other via diplomatic channels.

Article 2

1. The Contracting Parties shall promote the development of bilateral international commerce at sea, guided by the principles of equality and mutual benefit.

2. In the transport of goods, the Contracting Parties shall promote close cooperation between their freight, navigable and connected with navigation companies and organizations.

Article 3

1. The Contracting Parties shall agree:

to facilitate the involvement of the courts of the States of the Contracting Parties in the transport by sea between the seaports of the States, as well as to contribute to the further development of ferry services;

to cooperate in eliminating obstacles that could inhibit the development of transport between the seaports of the States, including the shipment and receipt of cargo terminals;

not to interfere with the courts of the state of one Contracting Party to participate in the transportation between the seaports of the state of the other Contracting Party and ports of third countries;

to restrict the entry into the water area of seaports of the states of the Contracting Parties of vessels flying the flag of the states of the Contracting Parties that do not meet the requirements of international merchant shipping applicable by both Contracting Parties;

to ensure compliance with the requirements of the international treaties dealing with Maritime safety, the participants of which are both of the Contracting Parties;

not to impede the performance of the functions assigned to the representatives of the regulatory authorities of the host state.

2. The provisions of this article shall not affect the right of vessels of third countries to participate in transport between seaports of the States of the Contracting Parties.

Article 4

In accordance with applicable on the territory of their States national legislation, the Contracting Parties shall provide necessary assistance to the shipping or maritime companies and commercial organizations of the state of one Contracting Party in their opening lines to/from seaports of the States of the other Contracting Party, as well as in establishing by them on the territory of the State of the other Contracting Party of representative offices or joint ventures.

Article 5

1. Each Contracting Party shall provide the vessels of the state of the other Contracting Party with the same conditions as the vessels of its state with regard to free access at its seaports, provision of berths, the use of seaports for loading and unloading cargoes, boarding and disembarking passengers.

With regard to charges levied by official port authorities and terminals, and the use of services related to the processing of ships at the ports of the Contracting Parties, the principle shall be applied that the same amount of port charges is levied on ships flying the flag of the Republic of Kazakhstan at ports and terminals of the Republic of Azerbaijan which are levied in ports and terminals of the Republic of Kazakhstan from vessels flying the flag of the Azerbaijan Republic.

2. Each Contracting Party shall provide ships flying the flag of foreign states operated by marine shipping enterprises of the state of the other Contracting Party the regime provided for in paragraph 1 of this article, if this does not contradict its obligations arising from international treaties.

3. The effect of paragraph 1 of this article shall:

not apply to seaports or parts of seaports closed to foreign vessels;

not apply to activities that are reserved by each of the Contracting Parties for enterprises or organizations of their state, including, in particular, cabotage, as well as salvage, towing, port services, wreck recovery, mandatory pilotage.

Article 6

Each Contracting Party shall take all necessary measures, within the framework of national legislation and port rules of its state, to facilitate and expedite maritime transport and simplify the implementation of customs and other formalities in seaports.

Article 7

1. Ship documents issued or recognized by one of the Contracting Parties as well as those on board shall be recognized by the other Contracting Party.

2. Vessels of the state of one Contracting Party, provided with duly issued documents on the measurement of ships in accordance with the International Convention on the Measurement of Ships of 1969, shall be exempted from new measurements in the ports of the state of the other Contracting Party. These documents shall be taken as a basis for calculating port charges.

Article 8

1. Each Contracting party shall recognize the identity documents of seafarers, issued by the competent authorities of the state of the other Contracting Party.

These documents shall be:

in relation to the Republic of Kazakhstan - a seafarer's identity card or passport of a citizen of the Republic of Kazakhstan;

in relation to the Republic of Azerbaijan - the identity card of a sailor or passport of a citizen of the Republic of Azerbaijan.

2. Each Contracting Party shall recognize the identity documents of seafarers issued by other States, citizens of which are members of crews of vessels of the States of the Contracting Parties and the owners of such documents shall enjoy the rights provided for in Articles 9 and 10 of this Agreement, unless it is contrary to the requirements of national security.

Article 9

1. While the ship of the state of each of the Contracting Parties is in the seaport of the state of the other Contracting Party, each crew member who can submit the relevant identification documents referred to in Article 8 of this Agreement shall have the right to visa-free landfall on the territory of the port city. However, such a landfall shall be permitted only if the master of the vessel, in accordance with the rules in force in this seaport, has presented the competent authorities the ship role in which this crew member is indicated.

2. From the moment of landing and until returning to the ship, the crew member shall comply with the laws of the state in whose territory the seaport is located.

Article 10

1. The owners of the seafarer's identification documents referred to in Article 8 of this Agreement issued by one Contracting Party may enter or follow the territory of the state of the other Contracting Party with the aim of arriving on their ship, returning to their homeland or for any other purpose acceptable to the competent authorities of the state of the other Contracting Party, provided that they comply with the laws and regulations of the State of that Contracting Party.

2. In cases where a crew member possessing the relevant identification documents referred to in Article 8 of this Agreement departs to the seaport in the territory of the state of the other Contracting Party due to an illness, official or other reason accepted by the

competent authorities, these authorities shall grant the crew members the necessary permission to remain on their territory, to receive medical care or to be hospitalized or to return to the state of their citizenship or the flag state of the vessel with any kind of transport or go to another sea port of loading.

3. Each of the Contracting Parties reserves the right to refuse entry, leave the ship and stay on the territory of its state to persons whom it considers undesirable.

Article 11

1. The judicial authorities of a State of one Contracting Party shall not accept claims arising from a contract of employment as a member of the crew of a ship of the other Contracting Party.

Claims for violations of the provisions of the contract of employment as a member of the ship's crew shall be considered on the territory and in accordance with the laws of the state of the Contracting Party, the flag of which is carried by the ship.

2. When a crew member of a ship of a State of one Contracting Party commits an offense on board of this ship, while the ship is in the seaport of the state of the other Contracting Party, the authorities of the state of that other Contracting Party shall not prosecute him under law without the consent of the competent consular officer of the flag state, if the master of the ship or the consular officer of the flag State does not ask the local authorities for assistance, except in cases where, in the opinion of the said authorities:

- the consequences of the offence extend to the territory of the state where the ship is located;

- the offense of this kind that violates the public order in this state or its security;

- the offense is committed against any person who is not a member of the crew of this vessel;

- the consequences of the offense extend to the territory of the state in which the ship is located;

- such an offense is committed that it violates public order in this state or its security;

- the offense is committed against any person who is not a crew member of this vessel;

- prosecution is necessary to suppress the illicit trade in narcotic drugs, psychotropic substances and weapons.

3. In the cases referred to in paragraph 2 of this article, the state in which the vessel is located, upon the request of the master, shall notify the consular officer of the flag state before taking any measures and shall help to establish contact between the official and the crew of the vessel. In cases of extreme urgency, this notification may be made at the time that the specified measures are taken.

Article 12

1. One Contracting Party shall provide the ship of the other Contracting Party, stranded, damaged or suffering any other maritime distress, to its captain, crew members, passengers and cargo, the same assistance as it provides to the ship of its state, and this Contracting Party

shall, without delay, notify the relevant competent authorities of the state of the other Contracting Party.

The above marine incidents affecting the public interest, and in all cases where such an accident has resulted in the loss of the ship, its abandonment or death, shall be investigated by the competent authorities appointed by each of the Contracting Parties in agreement with the other Contracting Party. The results of the investigation shall be provided as soon as possible by the authorities designated by the relevant authorities to the state of the other Contracting Party.

2. If the ship is in distress or sustained damage, the goods unloaded or salvaged from the ship of the Contracting Party within two months shall be removed from the territory of the state of the other Contracting Party or placed under the customs procedure in accordance with the laws of that Contracting Party.

Article 13

The representatives of the competent authorities of the States of the Contracting Parties may periodically meet alternately in the Republic of Kazakhstan and the Republic of Azerbaijan at the request of one of the Contracting Parties to review the implementation of the provisions of this Agreement and discuss any other issues of international maritime trade shipping of mutual interest.

Article 14

The provisions of this Agreement shall not affect the rights and obligations of the Contracting Parties arising from other international treaties to which the Republic of Kazakhstan and the Republic of Azerbaijan are parties.

Article 15

Disagreements in the interpretation and application of the provisions of this Agreement, which cannot be resolved through consultations between the competent authorities, shall be resolved through diplomatic channels or through negotiations between the Contracting Parties with the execution of the relevant protocols.

Article 16

By mutual agreement of the Contracting Parties, this Agreement may be amended and supplemented as an integral part thereof, drawn up by separate protocols, which shall enter into force in the manner established by Article 17 of this Agreement.

Article 17

1. This Agreement shall enter into force on the date of receipt by diplomatic channels of the last written notice on the completion by the Contracting Parties of the domestic procedures necessary for its entry into force.

2. This Agreement shall be concluded for an indefinite period and shall remain valid until six months from the date of receipt by diplomatic channels of one of the Contracting Parties of the corresponding written notification of the other Contracting Party of its intention to terminate it.

Executed in the city of Almaty on October 20, 2011 in two original copies, each in the Kazakh, Azerbaijani and Russian languages, all texts being equally authentic. In case of disagreement in the interpretation of the provisions of this Agreement, the Contracting Parties shall refer to the text in Russian.

On behalf of the Government
of the Republic of Kazakhstan

On behalf of the Government
of the Republic of Azerbaijan

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