



On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Iran on maritime trade shipping in the Caspian Sea

Unofficial translation

Decree of the Government of the Republic of Kazakhstan No. 557 dated September 13, 2017

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

1. Approve the attached Agreement between the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Iran on maritime trade shipping in the Caspian Sea, done in Astana on December 22, 2016.

2. This Decree shall be enforced from its signing.

The Prime Minister of the Republic of Kazakhstan

B. Sagintayev

Approved by
the Decree of the Government of
the Republic of Kazakhstan
No. 557 dated September 13, 2017

Agreement

between the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Iran on maritime trade shipping in the Caspian Sea

The Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Iran, hereinafter referred to as the “Contracting Parties”, wishing to strengthen and expand relations between the two countries in the field of maritime shipping in the Caspian Sea on the basis of freedom of navigation in accordance with the principles of equality, mutual benefit and mutual assistance, have agreed on the following:

Article 1

Definitions for terms

Pursuant to this Agreement, the following terms have the following meanings:

1) "Competent authorities":

- From the Government of the Republic of Kazakhstan: Ministry for Investment and Development of the Republic of Kazakhstan;

- From the Government of the Islamic Republic of Iran: Ministry of Roads and Urban Development - Ports and Maritime Organizations.

In cases of changing the names or functions of the competent authorities, the Parties shall notify each other of this via diplomatic channels.

2) “Contracting Party Vessel” - any trade marine vessel registered by a Contracting Party in accordance with the national laws and regulations of its state and flying the flag of that Party. This term shall not be applicable to warships, fishing, medical and research vessels, as well as to other state vessels used for non-commercial purposes;

3) “Shipping company of a Contracting Party” - a legal entity or individual registered by a Contracting Party in accordance with the national laws and regulations of its state, having an office or located at the address registered in the territory of that Contracting Party.

4) “Crew Member” - the master of vessel and any other person holding a seafarer’s identity card, hired on board by any Contracting Party whose name is on the ship’s role.

5) “Port of a Contracting Party” - a port in the Caspian Sea on the territory of the State of a Contracting Party, which is open to international merchant shipping.

6) “Passenger” - a person carried on board a ship of a Contracting Party in accordance with the contract of carriage, without entering his/her name in the crew lists of the ship of any Contracting Party and not fulfilling any duties on the ship.

7) “Laws and regulations of a Contracting Party” - applicable national laws and regulations adopted in the State of a Contracting Party.

Article 2

Purposes

The Purposes of this Agreement shall be:

a) planning and development of relations between the Contracting Parties in the field of maritime transport and facilitation of maritime trade in the Caspian Sea, based on the principles of equality and mutual benefit;

b) establishment of the necessary coordination in navigation on the Caspian Sea between the Contracting Parties;

c) assistance in expanding trade and economic relations between the Contracting Parties.

Article 3

Areas of cooperation

The Contracting Parties welcome the fruitful relations between their competent authorities and other relevant organizations, in particular, mutual consultations and exchange of information. Such cooperation includes:

a) establishment of appropriate conditions for efficient use of the ports of the Contracting Parties on the Caspian Sea;

b) ensuring the safety and security of ships, crews, cargo and passengers in the Caspian Sea;

- c) strengthening environmental protection in the Caspian Sea;
- d) strengthening of continuing education programs in the field of port activities and navigation of the Contracting Parties;
- e) expansion of relations and exchange of experience in the field of economics, science and technology of maritime transport in the Caspian Sea;
- f) exchange of views on the activities of international organizations dealing with issues of merchant shipping and participation in international maritime trade treaties.

Article 4

Shipping Development

1. Contracting Parties shall:
 - a) promote the development of maritime navigation between the Contracting Parties in the Caspian Sea and join efforts to remove any obstacles that may impede the development of maritime navigation between the ports of the Contracting Parties;
 - b) facilitate the participation of shipping companies of the Contracting Parties in the transport of goods and passengers between their territories;
 - c) exclude the navigation of sub-standard vessels under the flags of the Contracting Parties.
2. The vessels of each of the Contracting Parties that comply with international and national standards shall not be limited to calling at the ports of the other Contracting Party for any reason, as well as any other subsequent port of third countries in the Caspian Sea.
3. The provisions of Paragraphs 1 and 2 of this Article shall not prejudice the rights of vessels flying the flag of other countries of the Caspian Sea, chartered by shipping companies of each Contracting Party.
4. The provisions of Paragraphs 1 and 2 of this Article shall not prejudice the rights of shipping companies of other countries of the Caspian Sea, as well as ships flying the flag of other countries of the Caspian Sea participating in sea transportation between the ports of the Contracting Parties and the ports of other coastal countries.
5. Shipping companies of a Contracting Party may establish agencies or branches on the territory of the other Contracting Party, in accordance with the national laws and regulations of the Contracting Party in whose territory such an agency or branch shall be established.

Article 5

Non-discrimination and free competition

Contracting parties shall comply with the rules on non-discrimination and free competition in international shipping on the Caspian Sea.

Article 6

Free movement of income

Each of the Contracting Parties, in accordance with its national legislation, laws and regulations, shall give the shipping companies of the Contracting Party equal rights to use, exchange and transfer income derived from the provision of shipping services in its state.

Article 7

Handling vessels in ports of Contracting Parties

Each Contracting Party in its ports shall provide the same handling to the vessels of the other Contracting Party, their cargoes, crew members and passengers, which it provides to its vessels, their cargoes, crew members and passengers, in the following cases:

- 1) access to the ports of a Contracting Party;
- 2) using the same approach when levying port charges and charges in accordance with national applicable laws, laws and regulations of a Contracting Party;
- 3) use of port facilities for the transport of goods and passengers;
- 4) access to all services and facilities of the port.

Article 8

Facilitation of maritime transport

The Contracting Parties, within the limits of their laws and regulations in force in their territories, shall take all necessary measures to facilitate and simplify administrative, customs and sanitary formalities, as well as other port formalities used in their ports.

Article 9

Issues excluded from the scope of this Agreement

1. This Agreement shall not apply to activities that are reserved by each of the Contracting Parties for its shipping companies, as well as its citizens and residents, such as cabotage, towage, pilotage and other services related to maritime transport.

2. The provisions of Paragraph 1 of this Article shall not apply to coastal shipping if the ship of any Contracting Party operates between the ports of the other Contracting Party, such as for unloading goods or disembarking passengers brought from another coastal state, or loading goods and embarking passengers on board, and delivery them to the coastal state of third countries.

Article 10

Recognition of the identity documents of crew members

1. Each of the Contracting Parties shall recognize the official identification documents of crew members who are citizens of the other Contracting Party issued by the competent authorities of the Contracting Parties and shall grant the holders of these documents the rights referred to in Article 11 of this Agreement.

These documents include:

- for citizens of the Republic of Kazakhstan: identity card of a sailor or passport of a citizen of the Republic of Kazakhstan;
- for citizens of the Islamic Republic of Iran: identity card of a sailor or passport of a citizen of the Islamic Republic of Iran.

2. The Contracting Parties shall, via diplomatic channels, exchange samples of documents referred to in Paragraph 1 of this Article no later than 30 days following the date on which this Agreement enters into force. The Contracting Parties shall notify each other of any changes in the types of these documents no later than 30 days before the introduction or introduction of the corresponding changes.

3. The crew members of a ship of a Contracting Party who are nationals of a third country must possess documents issued by the competent authorities of the other Contracting Party or a third country and recognized by the competent authorities of that Contracting Party.

Article 11

Entry, transit and stay of crew members

1. Each of the Contracting Parties shall permit the crew members of the vessels of the other Contracting Party who are owners of one of the documents referred to in Paragraphs 1 and 3 of Article 10 of this Agreement to go ashore and remain in the port city for the duration of the vessel's stay in the port in accordance with national the laws and regulations of a Contracting Party, provided that there are no justifiable reasons for the refusal of permission, based on concerns for public health, public safety, public order or and national security.

In the event of a refusal to grant permission, the relevant Contracting Party shall, upon request, be informed of such a case and the aforementioned reasons via the diplomatic or consular representative of such Contracting Party.

2. Each crew member holding the documents referred to in Paragraphs 1 and 3 of Article 10 of this Agreement and a visa, if required, may travel in transit across the territory of the other Contracting Party for the following purposes:

- a) boarding your own vessel or transfer to another vessel;
- b) landing on his vessel in another country or repatriation to his native country;
- c) any other purpose approved by the competent authorities of the other Contracting Party.

3. The competent authorities of the Contracting Parties shall issue a residence permit to any crew members who have been admitted to a hospital in their state for the time necessary for treatment.

4. In accordance with Paragraph 1 of this Article, the Contracting Party reserves the right to refuse entry to its territory to undesirable persons even if such persons possess the documents referred to in Article 10 of this Agreement and a visa, if required.

5. The provisions of Paragraphs from 1 to 4 of this Article shall not affect the national laws and regulations of the Contracting Parties regarding the entry, transit, stay and departure of foreigners.

Article 12

Technical cooperation

The Contracting Parties make efforts to develop mutual maritime cooperation in the field of trade shipping on the Caspian Sea and assist their shipping companies and any organizations associated with maritime transport in the development of activities in all areas of cooperation, which includes:

- a) maritime safety;
- b) protection of the marine environment;
- c) search and rescue at sea;
- d) improving and developing the management of shipping and ports;
- e) training in port and maritime activities;
- f) exchange of information and data related to maritime and port activities.

Article 13

Mutual Recognition of Vessel Documents

1. Each Contracting Party shall recognize the nationality of the ship of the other Contracting Party on the basis of vessel documents on board issued by the competent authorities of the flag State in accordance with its national laws and regulations in force.

2. Each Contracting Party shall recognize all documents of the vessel of the other Contracting Party concerning ship equipment, crew and tonnage, as well as other certificates and documents issued by the competent authorities of the flag State in accordance with its national laws and the rules of the Contracting Parties.

3. Each Contracting Party shall recognize international measuring certificates and other classification documents issued by organizations (classification societies), which are recognized by the competent authorities of any of the Contracting Parties in accordance with the requirements of the relevant international conventions. Vessels of a Contracting Party holding valid measuring certificates shall be exempted from re-measurement at the ports of the other Contracting Party.

Article 14

Assistance and Cooperation

1. If a vessel of a Contracting Party suffers from an accident or is exposed to any other danger in the territory of the other Contracting Party, the competent authorities of the other Contracting Party shall take all necessary measures to assist and assist crew members, passengers, ship and cargo, to the extent that they render assistance to a vessel flying the flag of its state.

2. The competent authorities of the Contracting Party in whose territorial waters the ship referred to in Paragraph 1 of this Article was damaged by accident or any other danger shall notify the nearest consular representative of the other Contracting Party of this event as soon as possible.

3. An accident or emergency with a vessel of one of the Contracting Party in the territory of the other Contracting Party shall be immediately reported by the competent authorities of the Contracting Party to the competent authorities of the other Contracting Party. Equipment and other property, cargo, spare parts and supplies on board a damaged ship shall be exempted from all customs duties and taxes, provided that they are not declared for commercial purposes in the territory of the State of this Contracting Party.

4. The provisions of Paragraphs 1 to 3 of this Article do not deprive the right to demand payment for expenses related to the provision of search and rescue services at sea, assistance and cooperation provided to the vessel, its passengers, crew members and cargo.

Article 15

Compliance with applicable laws and regulations

1. The stay of vessels of a Contracting Party, as well as members of their crew, passengers, cargo on the territory of the other Contracting Party, must comply with the requirements of the national laws and regulations of that Contracting Party, in particular with regard to the safety rules for maritime transportation, entry, stay and departure of crew members and passengers, import and export of goods, border crossing, immigration, customs, taxes, environmental protection, as well as sanitary standards.

2. Vessels of a Contracting Party located in the territory of the other Contracting Party shall comply with the requirements of that Contracting Party regarding ship equipment, apparatus, safety equipment, measurement and navigation, mandatory for the flag State under the relevant international treaties.

Article 16

Joint working group

The joint working group, consisting of representatives of the competent authorities, shall create the necessary conditions for establishment and holding of meetings alternately and

periodically and/or at the request of any of the Contracting Parties, in the territory of the state of any of the Contracting Parties, in order to:

- 1) discuss and review issues that may arise during the execution of this Agreement;
- 2) conduct joint studies and research on the provision of new services in the field of shipping.

Article 17

Settlement of disputes

1. Any disputes arising as a result of the implementation or interpretation of this Agreement shall be settled by negotiations and consultations between the competent authorities of the Contracting Parties.

2. If the dispute cannot be settled by the above procedure, it must be settled by diplomatic channels.

Article 18

Amendment of the Agreement

By mutual agreement of the Contracting Parties, this Agreement may be amended and supplemented as its integral parts, drawn up by separate protocols, which shall enter into force in the manner established by Article 20 of this Agreement.

Article 19

Attitude to other international treaties on the legal status of the Caspian Sea

Nothing in this Agreement shall be interpreted as affecting the results of negotiations on the final legal status of the Caspian Sea.

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

Article 20

Entry into force

This Agreement shall enter into force thirty (30) days from the date of receipt by diplomatic channels of the last written notification of the Contracting Parties on implementation of domestic procedures necessary for its entry into force by the Contracting Parties.

This Agreement shall be concluded for an indefinite period. Each Contracting Party may terminate this Agreement by sending written notification by diplomatic channels to the other

Contracting Party. In such a case, this Agreement shall terminate thirty (30) days after one of the Contracting Parties receives the corresponding notice.

Article 21

Languages

This Agreement consists of a preamble and twenty-one Articles drawn up in original counterparts in Kazakh, Persian, English and Russian languages, and all four texts shall be equally authentic. In the event of a discrepancy between the texts, the Contracting Parties shall refer to the text in English.

Done in Astana, the Republic of Kazakhstan on Thursday, December 22, 2016, corresponding to the 2 day of 1395 Iranian calendar, by representatives of the Government of the Republic of Kazakhstan and the Government of the Islamic Republic of Iran.

*For the Government
of the Republic of Kazakhstan*

*For the Government of the Islamic
Republic of Iran*