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Government of India  
Ministry of Shipping  
Transport Bhawan,  
No.1, Parliament Street, New Delhi-110001

No.SR-22011/6/2005-SA (Vol-III)

Dated, the 20<sup>th</sup> September, 2016

Office Memorandum

**Subject: Agreement between India and Egypt on Maritime Transport  
- regarding.**

The undersigned is directed to refer to O.M. No.42/CM/2015(i) dated 23.10.2015 received from the Cabinet Secretariat, conveying therein the approval of the Cabinet for the signing of Agreement between India and Egypt on Maritime Transport and to inform that the said Agreement has been signed on 02.09.2016.

2. A copy of the Agreement is enclosed for information.



(P.K. Sharma)  
Under Secretary to the Govt. of India  
Tele fax No. 2335 2726  
Email: [sosadesk-ship@nic.in](mailto:sosadesk-ship@nic.in)

Encl.: As above

Cabinet Secretariat,  
(Kind Attention: Shri S.G.P. Verghese, Director)  
Rashtrapati Bhawan,  
New Delhi (Fax No. 2379 3504)  
Email: [verghese.spg@nic.in](mailto:verghese.spg@nic.in)

Copy with a request to upload the said Agreement in the Ministry's website under Shipping Wing to:-

- Shri Pravin Srivastava, SSA, NIC, Ministry of Shipping, Transport Bhawan, New Delhi. Scanned copy of the Agreement has been sent to email ID: [pravin.s@nic.in](mailto:pravin.s@nic.in).

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT  
AND  
THE GOVERNMENT OF THE REPUBLIC OF INDIA  
ON  
MARITIME TRANSPORT**

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The Government of the Arab Republic of Egypt and the Government of the Republic of India hereinafter referred to as the "Contracting Parties".

Desirous of developing the cooperation in the field of maritime transport between the two countries and with a view to contributing to the development of international shipping on the basis of the principles of the freedom of navigation;

Bearing in mind the principles laid down in international law and particularly in international maritime conventions to which both Contracting Parties ratified;

Have agreed as follows:

**ARTICLE 1  
DEFINITIONS**

For the purpose of this Agreement:

- (1) The term "vessel of the Contracting Party" shall mean any vessel registered in the Shipping Register of either Contracting Party, flying its flag which is owned by physical or legal bodies that have the nationality of either Contracting Party with their headquarters located in the respective Contracting Parties.

This term shall not, however, include:

- (a) warships and auxiliary ships of the navy,
- (b) vessels, which are performing exclusively administrative or state functions,
- (c) scientific research vessels,
- (d) Fishing vessels,
- (e) vessels used for non - commercial purposes.

(2) The term "member of the crew" shall mean the master and any person employed on board a vessel in duties and services connected with the running of the vessel and included in the crew list.

(3) The term "international maritime transport " means any transport by a vessel, except when the vessel is operated solely between ports of either Contracting Party, and excludes cabotage .

(4) The term "competent authority" shall mean:

- (a) For the Arab Republic of Egypt, The Maritime Transport Sector in the Ministry of Transport;
- (b) For the Republic of India, the Ministry of Shipping.

In case of any changes concerning the names or functions of the competent authority, the Contracting Parties shall make the necessary notifications through diplomatic channels.

(5) The term "shipping company or enterprises" means a legal person meeting the following conditions:

- (a) Constituted in accordance with the laws of either Contracting Party;
- (b) Having its Headquarters or principal place of business in the territory of either Contracting Party;
- (c) Engaged in international shipping service.



## **ARTICLE 2**

### **SCOPE**

The Contracting Parties shall cooperate to develop their relationship in the field of international maritime transport on the basis of equity and mutual benefits.

## **ARTICLE 3**

### **EXCHANGE OF INFORMATION**

The Contracting Parties, within the limits of the respective national legislations, shall continue their efforts to maintain and develop a permanent cooperation between the competent authorities of their states. In particular, the Contracting Parties agree to exchange information between their competent authorities on maritime transport.

## **ARTICLE 4**

### **DEVELOPMENT OF MARITIME TRANSPORT**

The Contracting Parties shall provide each other, within the limits of their ability, technical assistance for the development of maritime transport. For this purpose the Contracting Parties shall promote and encourage the cooperation between their maritime shipping companies.

## **ARTICLE 5**

### **MARITIME SAFETY, SECURITY AND ENVIRONMENT PROTECTION**

The Contracting Parties shall:

- (a) Comply with regional and international standards of maritime safety as well as the prevention of marine pollution, the protection of marine environment and cooperation between the two Contracting Parties in these fields.

- (b) Cooperate for developing training programs in institutes of either of the Contracting Parties in the fields of marine environment and prevention of marine pollution to have better control over areas of concern as mentioned in sub Para (a) of this Article.
- (c) Promote Electronic Data Interchange between the two Parties with regard to vessels and ports security procedures according to ISPS code requirements.

## ARTICLE 6

### ACCESS OF VESSELS TO PORTS

- (2) The Contracting Parties shall agree to:
  - (a) ensure the unrestricted access of vessels transporting goods and passengers of one of the Contracting Parties to the ports of the other Contracting Party as well as between their ports and those of third countries, according to domestic laws, regulations and bilateral agreements;
  - (b) ensure that their vessels shall be free to provide international sea services in accordance with the national legislation of the Contracting Parties;
  - (c) cooperate in the elimination of obstacles which might hamper the development of sea trade between the ports of the Contracting Parties.
- (2) Nothing in this Article shall prevent the Contracting Parties to take the appropriate steps for ensuring the free participation of their merchant fleets in international trade on a commercially competitive basis, subject to domestic laws, rules and regulations of the respective Contracting Parties.



## ARTICLE 7

### TREATMENT TO BE ACCORDED TO VESSELS IN PORTS

- (1) Each Contracting Party shall accord to the vessels of the other Contracting party the same treatment as it accords to its own vessels engaged in international transport in respect of access to ports, full use of port facilities, loading and unloading cargoes, embarking of passengers, use of services intended for navigation and other usual commercial operations subject to domestic laws, rules and regulations of the respective Contracting Parties.
- (2) The provisions of paragraph 1 of this Article shall not:
  - (a) apply to ports not open to the international traffic;
  - (b) apply to activities reserved by the Contracting Parties for their national flag vessels or enterprises and organizations, including, in particular, cabotage, sea fishing, pilotage, towage, salvage and maritime assistance;
  - (c) oblige either Contracting Party to extend to vessels of the other Contracting Party exemption from compulsory pilotage requirements granted to its own vessels;
  - (d) apply to immigration and to the transportation of immigrants.
- (3) All port dues and tariffs shall be calculated and collected according to the domestic laws applicable in the ports of the two Contracting Parties.

## ARTICLE 8

### FACILITATION OF MARITIME TRAFFIC

The Contracting Parties shall adopt, within the limits of their legislation and port regulations, as well as of their obligations under international law, all necessary measures to facilitate and expedite maritime traffic, to prevent unnecessary delays of vessels, and to expedite and simplify, as much as possible, the carrying out of customs, sanitary, police and port formalities, and other formalities applicable to vessels in ports.

## ARTICLE 9

### RECOGNITION OF DOCUMENTS

- (1) Each Party shall recognize the nationality of vessels, as indicated in the ship's documents on board and issued by the Competent Authority of the other Party in accordance with its domestic law.
- (2) The other documents on board issued or recognized by the Competent Maritime Authority of the Party, shall be recognized by the other Party with respect to the vessels of that Party.
- (3) The tonnage certificates issued by the Competent Maritime Authority of a Party shall be recognized in the ports of the other Party provided that, in the event of a dispute, the Competent Authorities of the country in which the port is situated may assign a survey or to give a ruling in accordance with domestic law or, if necessary, in accordance with Article (12) of the IMO International Convention on Tonnage Measurement of Ships, 1969.
- (4) The vessels of one Contracting Party cannot be registered in the registry of the other Contracting Party without a certificate issued by the Competent Authorities in the vessels country of origin stating that the vessel has been disbarred from the register of that Contracting Party, unless the vessel was sold due to a juridical verdict, in accordance with the national legislation of each of the Contracting Parties.

## ARTICLE 10

### RECOGNITION OF CREW DOCUMENTS

Each Contracting Party shall recognize the identity documents issued by the Competent Authorities of the Contracting Party for members of the crew who are nationals of that Contracting Party, and grant to the persons who hold these identity documents the rights mentioned in Article 11 and 12 of this Agreement. These identity documents are:

- (a) In case of the Arab Republic of Egypt the Egyptian Seamen's Book or Egyptian Passport.



- (b) In case of Republic of India; valid "Indian Passport" and the "Continuous Discharge Certificate-cum-Seafarers' Identify Document" (CDC/SID) issued under the Merchant Shipping Act, 1958.

## **ARTICLE 11**

### **STAY OF CREW ON TEMPORARY SHORE LEAVE**

- (1) Members of the crew of the vessels of the Contracting Parties possessing the identity documents specified in Article 10 of this Agreement, are permitted to stay for temporary shore leave without visas during the stay of the vessels in the ports of the Contracting Parties, provided that the masters submit a crew list to the Competent Authorities in accordance with the regulations in force in the port concerned.
- (2) While landing and returning to the vessels, the persons mentioned in sub-paragraph 1 of this article are subject to frontier and customs control in force in the port concerned.

## **ARTICLE 12**

### **CREW MOVEMENT**

Holders of Identity Documents specified in Article 10 of this Agreement are permitted to enter or leave the territory of either Contracting Party as passengers or transferring to another vessel, passing in transit to join their vessel in another country, for repatriation, in a case of emergency or for any other purpose approved by the authorities of the other Contracting Party.

## **ARTICLE 13**

### **DOMESTIC LAW**

- (1) Subject to the provisions of Articles 10 to 12 of this Agreement, the national regulations of either Contracting Parties in respect of entry, stay and departure of foreigners are kept fully in force in their respective territories.



(2) Each Contracting Party reserves the right to deny entry to and / or stay in its territory to seamen whom they consider undesirable.

(3) The provisions of Articles 10 to 12 of this Agreement shall also apply to persons on board the vessels of the Contracting Parties who are neither crew members nor included in the crew list but engaged in duties related to the service or the work of the vessels during her voyage and who are included in a special list.

#### **ARTICLE 14**

##### **JUDICIAL MEASURES AGAINST CREW MEMBERS**

If a crew member of a vessel of a Contracting Party committed aboard such vessel an offence while the vessel is in the waters under the jurisdiction of the other Contracting Party or in its ports, the provisions of Article 27 of the UN Convention on the Law of the Sea 1982 shall prevail.

#### **ARTICLE 15**

##### **CIVIL PROCEEDINGS AGAINST CONTRACT OF EMPLOYMENT TO CREW MEMBERS**

The judicial and/or administrative authorities of either of the two Contracting parties shall not undertake any civil proceedings related to a contract of employment of a crew member of a vessel of the other Contracting Party unless they are so requested by the competent diplomatic missions or counsellor posts of the latter Contracting Party.

#### **ARTICLE 16**

##### **VESSELS IN DISTRESS**

(1) If a vessel of one Contracting Party suffers shipwreck, runs aground, is cast ashore or suffers any other accident in the territorial sea or internal waters of the other Contracting Party, the vessel and the cargo shall enjoy in the territory of the latter Contracting Party, the same treatment which is accorded to the national vessels and cargoes of the latter Contracting Party.

(2) The vessel, its crew, passengers and cargo shall be granted, at any time, help and assistance to the same extent as in case of a national vessel.

(3) The cargo and the parts unloaded or salvaged from the vessel specified in paragraph (1) of this Article shall not be liable to any customs duties provided that they are not delivered for use or consumption in the territory of the other Contracting Party and are re-exported to the Contracting Party within time period prescribed in the customs law of that other Contracting Party.

(4) The vessel so stranded or wrecked as well as all its parts, debris or accessories and all appliances, provisions and goods salvaged including those jettisoned by such vessels or by vessels in distress, as well as all documents found aboard the stranded or wrecked vessel or belonging to it, shall be delivered to the owner or his representatives when claimed by them, after proper investigation of the casualty is completed.

(5) The provisions of this Article do not affect the rights of the Contracting Party or those authorized by them, to ask them from the other Contracting Party, or from those authorized by the other Contracting Party, the corresponding compensation for any action taken for the salvage of the vessel or any assistance rendered to the vessel, the crew, the passengers or the cargo.

#### **ARTICLE 17**

#### **OBLIGATIONS WITH REGARD TO INTERNATIONAL CONVENTIONS/ AGREEMENTS**

The provisions of this Agreement shall not affect the rights and obligations of the Contracting Parties, arising from International Conventions and Agreement in force, related to maritime matters.



## ARTICLE 18

### ESTABLISHMENT OF SHIPPING SERVICES

- (1) The Contracting Parties shall encourage the shipping companies in their countries to establish, under conditions of economic efficiency, regular shipping service lines between the ports of the two countries.
- (2) The Contracting Parties shall stimulate the use of modern technologies in the maritime transport.

## ARTICLE 19

### MARITIME TRANSPORT COMMITTEE

- (1) The Contracting Parties shall establish a Joint Maritime Transport Committee in order to:
  - (a) discuss problems concerning the implementation of the provisions of the present agreement;
  - (b) exchange views on matters of mutual interest concerning maritime transport; facilitate the development of sea borne trade between their states;
  - (c) carry out joint studies on introduction of new services in the field of maritime transport.
- (2) The Joint Maritime Transport Committee shall be composed of the representatives of each of the Contracting Parties designated by their competent authorities and may invite other experts of each Contracting Party to participate in discussions if necessary.
- (3) The Joint Maritime Transport Committee shall meet at the request of either of the Contracting Parties in the territories of the Contracting Parties alternately.
- (4) On the occasion of its first meeting, the Joint Maritime Transport Committee shall draw up and agree on its rules.

## ARTICLE 20

### TERRITORIAL APPLICATION

The present Agreement shall apply to the territory of the Arab Republic of Egypt and the territory of the Republic of India. However, the provisions of the present Agreement shall not apply to *Navigation in Suez Canal and inland waters*.

## ARTICLE 21

### SETTLEMENT OF DISPUTES

The Committee as mentioned in Article 19 must be consulted on any dispute originating from the interpretation or implementation of this Agreement. If the dispute is not settled after consultation in the Committee, it shall be settled by negotiations through diplomatic channels.

## ARTICLE 22

### ENTRY INTO FORCE

(1) This Agreement shall enter into force on the day when diplomatic notes indicating completion of the constitutional procedures by the respective Parties to this Agreement are exchanged. The date of the last notification being the date of the entry into force.

(2) This Agreement, on entering into force shall replace the Agreement concluded between the Governments of the two countries on the 2<sup>nd</sup> January 1964.

## ARTICLE 23

### DURATION AND TERMINATION

This Agreement shall remain in force for three years and shall be tacitly renewed for successive periods of one year unless one of the Contracting Parties informs the other Contracting Party in writing of its decision to terminate it. The termination shall take effect after sixty (60) days from the date of receiving termination note through diplomatic channels.



**ARTICLE 24**  
**AMENDMENTS**

This Agreement may be amended by mutual consent of the two Contracting Parties through an exchange of notes between the Contracting Parties through diplomatic channels.

In witness thereof the undersigned, being duly authorized thereto by their respective Governments, have signed and sealed this Agreement in two originals each in Arabic, Hindi and English languages, all texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

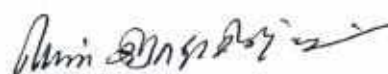
Done at New Delhi on 02 September, 2016.

For the Government of  
The Arab Republic of Egypt

A handwritten signature in black ink, appearing to be 'Sameh Shoukry', written over a horizontal line.

( Sameh Shoukry )  
Minister of Foreign Affairs

For the Government of  
The Republic of India

A handwritten signature in black ink, appearing to be 'Pon Radhakrishnan', written in a cursive style.

( Pon Radhakrishnan )  
Minister of State for Road  
Transport, Highways and  
Shipping