



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 September 2002
(OR. en)**

**Interinstitutional File:
2002/0048 (CNS)**

**8388/02
COR 2 (en, el)**

**MAR 61
CHINE 2**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS : CORRIGENDUM

Subject : Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the People's Republic of China, of the other part

Pages CE/CN/en 9, 13 and 19 shall be replaced by the pages attached hereto.

ARTICLE 1

AIM

This Agreement is aimed at improving the conditions under which maritime cargo transport operations are carried out to and from China, to and from the Community, as well as to and from the Community and China on the one hand and third countries on the other, for the benefit of economic operators of the Parties. It is based on the principles of freedom to provide maritime transport services, free access to cargoes and cross trades, unrestricted access to, and non-discriminatory treatment in, the use of ports and auxiliary services as well as regarding commercial presence. It covers all aspects of door to door services.

ARTICLE 2

SCOPE

1. This Agreement applies to the international maritime cargo transport and logistic services, including multimodal operations involving a sea leg, between the ports of China and of the Member States of the Community as well as to the international maritime cargo transport between the ports of the Member States of the Community. It also applies to cross trades and to the movement of equipment such as empty containers, not being carried as cargo against payment, between ports of China or between ports of a Member State of the Community.

If vessels of one Party sail from one port of the other Party to another or from one port of a Member State of the Community to another to load cargo for foreign countries or discharge cargo from abroad, it shall be regarded as a part of the international maritime transport.

ARTICLE 4

SUPPLY OF SERVICES

1. Each Party shall continue to grant non-discriminatory treatment to vessels flying the flag of the other Party or operated by nationals or companies of the other Party, as compared to the treatment accorded to its own vessels, with regard to access to ports, the use of infrastructure and auxiliary maritime services of those ports, as well as related fees and charges, customs formalities and assignment of berths and facilities for loading and unloading.
2. The Parties undertake to apply effectively the principle of unrestricted access to the international maritime market and traffic on a non-discriminatory and commercial basis.
3. In applying the principles of paragraphs 1 and 2, the Parties shall:
 - (a) not introduce cargo sharing clauses in future agreements with third countries concerning maritime transport services and terminate such provisions in the case they exist in previous bilateral agreements within a reasonable period of time;
 - (b) abolish, upon entry into force of this Agreement, all unilateral administrative, technical, or other measures, which could constitute an indirect restriction and have discriminatory effects on the free supply of services in international maritime transport;

- 2) formulate and perfect the legislation relating to maritime transport and market administration;
- 3) promote efficient transport service for international sea trade by the effective exploitation of the ports and fleets of the Parties;
- 4) guarantee shipping safety and prevent marine pollution;
- 5) promote maritime education and training, especially the training of seafarers;
- 6) exchange personnel, scientific information and technology;
- 7) enhance their efforts to combat piracy and terrorism.

ARTICLE 11

CONSULTATIONS AND SETTLEMENT OF DISPUTES

1. The Parties shall establish appropriate procedures to ensure the proper implementation of this Agreement.
2. Should any dispute between the Parties arise from the interpretation or application of this Agreement, their competent authorities shall seek to resolve the dispute through friendly consultation. In the event that no agreement is reached, it shall be settled through diplomatic channels.