

Agreement on Maritime Transport  
between  
the Government of the Kingdom of Thailand  
and the Government of the Republic of Peru

The Government of the Kingdom of Thailand and the Government of the Republic of Peru, hereinafter referred to as the Contracting Parties,

Desirous of developing and consolidating mutual relations according to the objectives of the World Trade Organization (WTO);

Mindful of the frame established by the Bilateral Agreement on Promotion and Protection of Investment (15 November 1991) and Trade Agreement (16 January 1996), both in force between the Contracting Parties;

Recognizing the importance of maritime transport in the promotion of international trade;

Have agreed as follows:

Article I

For the purposes of this Agreement:

1. The term "vessel", shall mean any merchant vessel registered in the ship registry of one Contracting Party flying the flag of that Contracting Party. This term also includes merchant vessels flying the flag of a third country, chartered by shipping enterprises of one of the Contracting Parties. This term shall, however, not include warships, fishing vessels, or other public vessels designed or used for non-commercial purposes.
2. The term "member of the crew" shall mean the master and any person, who during the voyage, have to perform duties or services on board and hold the identity

documents as referred to in Article VIII of this Agreement and whose names are included in the crew list.

3. The term "cabotage" shall mean maritime transport carried out between ports of one of the Contracting Parties, according to its national legislation.

4. The term "shipping enterprises" shall mean any juristic person registered in accordance with the law of one of the Contracting Parties and authorized to engage in international maritime transport services.

#### Article II

Vessels of one Contracting Party shall be entitled to call at ports of the other Contracting Party open to foreign trade, and to engage in passenger and cargo services between the two Contracting Parties or between either Contracting Party and a third country.

#### Article III

In order to avoid unnecessary delays to vessels of one Contracting Party, the other Contracting Party shall, within the limits of its legislation, take all necessary measures to facilitate the maritime transport, expedite the performance of customs clearance, quarantine, immigration, loading and/or discharging operations and other formalities in ports, as well as take appropriate measures to expedite formalities for embarking and disembarking of passengers.

#### Article IV

The vessel of one Contracting Party and the members of its crew, its passengers and its cargo, when at ports or in maritime zones under sovereignty and jurisdiction of the other Contracting Party shall comply with the laws, rules and regulations of such other Contracting Party, especially those referred to the safety of the vessel and cargo, as well as the protection of the marine environment.

Article V

Each Contracting Party shall grant to vessels of the other Contracting Party a treatment not less favourable than that granted to vessels of a third country regarding entering / leaving ports, berthing/unberthing, transit, loading/unloading and payments of port dues, as well as provision of other maritime and port services.

Article VI

The provisions of this Agreement shall not apply to cabotage.

Article VII

1. Each Contracting Party shall recognize the Certificate of Registration held by the vessels of the other Contracting Party duly issued by the competent authorities of that Contracting Party.

2. Each Contracting Party shall recognize the International Certificate of Tonnage issued under the International Convention on Tonnage Measurements of Ships, 1969, and other certificates or documents of the vessels duly issued by the competent authorities of the other Contracting Party. Vessels holding the Certificate of Tonnage shall not be re-measured in ports of the other Contracting Party. When appropriate, all related port-dues and charges shall be calculated and levied on the basis of the above certificates.

Article VIII

1. Each Contracting Party shall recognize the identity documents of the members of the crew duly issued by the competent authorities of the other Contracting Party.

The identity documents issued by the Government of the Kingdom of Thailand are: the "Seaman's Book" or Passport.

The identity document issued by the Government of the Republic of Peru is the "Libreta de Embarco" (Seaman's Book);

2. Members of the crew on board a vessel of one Contracting Party who are not nationals of the same and the members of the crew on board a third flag vessel chartered

by any of the Contracting Parties shall hold the identity documents prescribed by appropriate international conventions.

#### Article IX

1. During the stay of a vessel of one Contracting Party at a port of the other Contracting Party, members of the crew of that vessel holding the identity documents as referred to in this Agreement, shall be allowed to go ashore for a temporary stay in the locality of the port at which the ship calls without visas. Such members of the crew shall abide by the existing laws, rules and regulations of the other Contracting Party. To this end only a permission to disembark issued by the competent authorities shall be required.

2. Members of the crew of one Contracting Party shall be allowed to stay in the cities or towns of the other Contracting Party on account of illness or injury or other causes acceptable to the competent authorities of that Contracting Party, for the time necessary for their treatment provided that appropriate permissions have been given by those authorities.

3. Members of the crew of one Contracting Party shall be allowed to enter, leave or pass through the territory of the other Contracting Party, in accordance with laws and regulations in force in that Contracting Party on account of repatriation, joining a vessel or other reasons acceptable to the competent authorities of that Contracting Party.

4. If a visa is required in accordance with Paragraph 3 above, it shall be granted at the earliest possible.

5. In accordance with its laws and regulations, each Contracting Party shall have the right to refuse entry into its territory to any member of the crew of a vessel of the other Contracting Party.

#### Article X

Each Contracting Party shall facilitate to the members of the crew of a vessel of the other Contracting Party to contact their diplomatic representatives or consular officials or vice versa.

#### Article XI

1. In case of stranding, grounding, capsizing or other accidents of a vessel of one Contracting Party in ports or maritime zones under sovereignty and jurisdiction of the other Contracting Party, the competent authorities of that other Contracting Party shall, within their capabilities, carry out search and rescue operations to assist the members of the crew and passengers of that vessel and shall notify the other Contracting Party on the conditions of the vessel in distress.

2. Cargo, equipments, stores and other properties unloaded or rescued from the vessel in distress 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 and notification thereof is given, as promptly as possible, to customs authorities of such other Contracting Party in order to carry out control and supervision.

#### Article XII

Income earned by shipping enterprises of one Contracting Party in the territory of the other Contracting Party shall be allowed to be transferred abroad in any freely usable currency. Such income may be used to pay for expenses incurred in the territory of the other Contracting Party.

#### Article XIII

In order to promote a constant exchange of views on the development of maritime transport between the Contracting Parties and to deal with matters of mutual interest arising from the implementation of this Agreement, as circumstances may require, the Contracting Parties may establish a Joint Maritime Committee consisting of representatives of the sectors concerned.

#### Article XIV

Any dispute related to the interpretation and application of this Agreement shall be settled by consultations between the competent authorities of both Contracting Parties.

Article XV

1. This Agreement shall enter into force 30 days after the date on which the Contracting Parties have communicated each other, through diplomatic channel, the completion of the national legal procedures for such entry into force.

2. The Agreement shall remain in force until six months after the date on which either Contracting Party notifies the other its intention to denounce it.

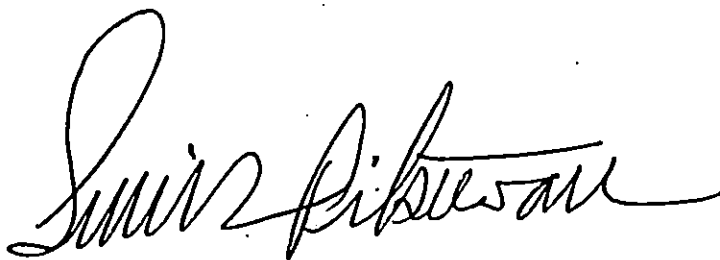
3. At the request of either Contracting Party, this Agreement may be revised by mutual consent.

IN WITNESS WHEREOF the undersigned, duly authorized by their respective Governments, have signed the present Agreement.

Done at Lima, on this fourth day of June 1999, in duplicate in the Thai, Spanish and English languages, all texts being equally authentic. In case of any inconsistency or differences in interpretation, the English text shall prevail.

For the Government of  
The Kingdom of Thailand

For the Government of  
The Republic of Peru



Surin Pitsuwan  
Minister of Foreign Affairs

Fernando de Trazegnies  
Minister of Foreign Affairs