

**Protocol Amending  
the Commercial Maritime Navigation Agreement  
between  
the Government of the Kingdom of Thailand  
and  
the Government of the Socialist Republic of Vietnam**

The Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam,

On the basis of the Article 17 of the Commercial Maritime Navigation Agreement signed on 22 January 1979,

Have agreed to modify and amend the said Agreement as follows:

**ARTICLE 1**

Article 1 of this Agreement shall be amended as follows:

“ In this Agreement, these terms shall be understood as follows:

1. “Vessel of either Contracting Party”, “Vessel of one Contracting Party” and “Vessel of Contracting Party” mean a merchant vessel flying the flag of the Kingdom of Thailand or of the Socialist Republic of Vietnam, including a merchant vessel flying flag of a third country hire-purchased or chartered by shipping organizations and companies of either Contracting Party.

2. “Members of the crew” means persons, including the master, who perform duties and services on board on a voyage and hold identity documents referred to in Article 8 of this Agreement and whose names are included in the crew list of the vessel.

3. “Passengers” means those persons carried in a vessel of either Contracting Party who are not engaged in any capacity on board and whose name are included in the passenger list of that vessel.

4. “Competent Authority” means the Government agency or agencies of either Contracting Party responsible for administration of related function.”

## ARTICLE 2

Article 2 of the Agreement shall be added as follows :

“ 1. Vessels of either Contracting Party are entitled to sail between ports of the Contracting Parties that are open to international trade and navigation to carry passengers and cargoes between the Contracting Parties or between either Contracting Party and a third country.

2. The provisions specified in the Paragraph 1 of this Article shall not apply to cabotage. When vessels of either Contracting Party sail from one port of the other Contracting Party to another for discharging cargo and/or disembarking passengers from abroad or loading cargo and/or embarking passengers for foreign countries, it shall not be regarded as cabotage.”

## ARTICLE 3

Article 5 Paragraph 2 of this Agreement shall be amended as follows:

“2. The vessels of either Contracting Party anchored in the territorial waters or at the ports of other Contracting Party shall meet the requirements related to Memorandum of Understanding on Port State Control in the Asia-Pacific Region.”

## ARTICLE 4

Article 8 of this Agreement shall be amended and added as follows:

“1. Identity documents of the members of the crew issued or recognized by the competent authorities of either Contracting Party shall be recognized by the other Contracting Party.

Those identity documents are:

For the nationals of the Kingdom of Thailand: Seaman Book or Passport;

For the nationals of the Socialist Republic of Vietnam: Seaman's Passport or Ordinary Passport.

2. For the members of the crew of a third country, they shall hold identity documents duly issued or recognized by the Contracting Parties.

3. Should either Contracting Party have any change in identity documents as specified in the Paragraph 1, such Contracting Party shall communicate to other Contracting Party.”

#### ARTICLE 5

Article 9 of the Agreement shall be amended as follows:

“ 1. The members of the crew of the vessels of either Contracting Party when staying in the territorial waters or at the ports of the other Contracting Party shall observe the applicable laws and regulations of that other Contracting Party.

2. The members of the crew of either Contracting Party shall be allowed to contact with their consular officials or their diplomatic representatives.

3. The members of the crew of vessels of either Contracting Party shall be permitted to go ashore during the period of stay of their vessels in the ports of the other Contracting Party in accordance with national laws and regulation of that Contracting Party.

4. The members of the crew of vessels of either Contracting Party requiring medical treatment shall be allowed to remain in the territory of the other Contracting Party for the period of time necessary for such treatment in accordance with national laws and regulations of that Contracting Party.

5. The members of the crew of vessels of either Contracting Party may enter the territory or travel through territory of the other Contracting Party for purposes of joining vessels, repatriation or any other reasons acceptable to the competent authorities of the other Contracting Party after completing necessary formalities in accordance with the national laws and regulations of that Contracting Party.

6. Either Contracting Party has the right to refuse the entry to its territory of any member of the crew who violates the laws and regulations of that Contracting Party, even though he/she holds identity documents mentioned in the Article 8 of the Agreement.”

#### ARTICLE 6

Article 11 of the Agreement shall be amended as follows :

“Vessels of either Contracting Party shall have the liberty to carry traded cargoes between the Contracting Parties or between a Contracting Party and a third country.”

#### ARTICLE 7

Article 12 of the Agreement shall be deleted.

#### ARTICLE 8

Article 13 of the Agreement shall be renumbered to Article 12 and amended as follows :

“1. Either Contracting Party shall grant to the shipping organizations and companies of the other Contracting Party the right to transfer freely any income derived from maritime transport in the territory of the former Contracting Party in freely convertible currencies or any currencies to be mutually agreed upon by the Contracting Parties in accordance with the exchange regulations in force in the territory of the former Contracting Party.

2. The taxation of income and other proceeds derived from the operations of vessels in international traffic shall be regulated by the provisions of the Agreement for the Avoidance of Double Taxation signed between the Government of the Socialist Republic of Vietnam and the Government of the Kingdom of Thailand on 23 December 1992.”

## ARTICLE 9

Article 14 of this Agreement shall be renumbered to Article 13 and be amended as follows :

“ In order to meet the requirements of the development of maritime transport and other maritime related matters of the Contracting Parties, the representatives shall be appointed to deal with matters of mutual concern arising from the implementation of this Agreement, such as :

- The extent of the activities of vessels of the Contracting Parties engaged in maritime transport, covered by this Agreement ;
- The tariff and other matters relating to maritime transport operated by the vessels of the Contracting Parties ;
- The promotion of and support in possible cooperation in the fields of joint-venture establishment, maritime training, research and exchange of information of mutual concerns and requirements.

The Contracting Parties agree to deal with the above matters under the principle of equality and mutual benefit.”

## ARTICLE 10

Article 15 of the Agreement shall be renumbered to the Article 14 and be amended as follows :

“ The competent authorities of either Contracting Parties may, on a reciprocal basis, facilitate shipping organizations and companies of the other Contracting Party to establish their representative offices in its territory in order to perform duties related to the activities of their vessels in accordance with the laws and regulations of the First Contracting Party.”

ARTICLE 11

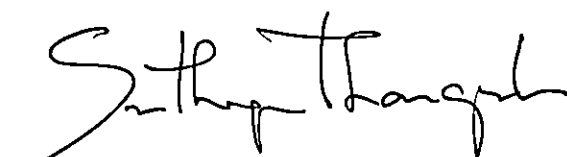
Article 16, 17 of the Agreement shall be renumbered to Article 15, 16 respectively.

This Protocol shall enter into force on the date of its signing.

IN THE WITNESS WHEREOF, THE UNDERSIGNED, DULY AUTHORIZED BY THEIR RESPECTIVE GOVERNMENTS, HAVE SIGNED THIS PROTOCOL.

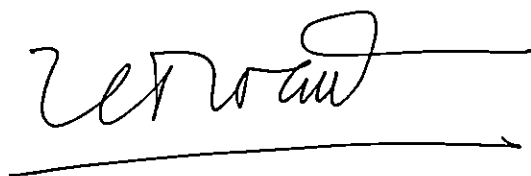
Done in duplicate in Hanoi on the fourteenth of September 1999 in Thai, Vietnamese and English languages, all texts are equally authentic. In case of the differences in interpretation, the English text shall prevail.

For the Government  
of the Kingdom of Thailand



(Suthep Thaugsuban)  
Minister of Transport  
and Communications

For the Government  
of the Socialist Republic of Vietnam



(Le Ngoc Hoan)  
Minister of Transport