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**Republic of Korea  
and  
Greece**

**Agreement on maritime transport between the Government of the Republic of Korea and the Government of the Hellenic Republic. Athens, 4 September 2006**

**Entry into force:** *31 July 2007 by notification, in accordance with article 20*

**Authentic texts:** *English, Greek and Korean*

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**République de Corée  
et  
Grèce**

**Accord relatif au transport maritime entre le Gouvernement de la République de Corée et le Gouvernement de la République hellénique. Athènes, 4 septembre 2006**

**Entrée en vigueur :** *31 juillet 2007 par notification, conformément à l'article 20*

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**AGREEMENT ON MARITIME TRANSPORT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF KOREA  
AND  
THE GOVERNMENT OF THE HELLENIC REPUBLIC**

The Government of the Republic of Korea and the Government of the Hellenic Republic (hereinafter referred to as "the Contracting Parties"),

Taking into account the importance of the maritime relations existing between the two countries, and willing to further strengthen their cooperation in the field of maritime transport, based on the principle of freedom of maritime transport; and

Convinced that the development of maritime transport between both countries will contribute to the strengthening of their economic cooperation,

Bearing in mind the principles laid down in international law, including international shipping conventions of which both countries are members;

Have agreed as follows:

#### ARTICLE 1

For the purposes of this Agreement;

1. The term "vessel of a Contracting Party" shall mean any vessel registered in either Contracting Party and flying its flag in accordance with its laws and regulations. However, this term shall not include:

- (a) warships and auxiliary ships of the navy;
- (b) public vessels designed or used for non-commercial purposes;
- (c) vessels for hydrographic, oceanographic and scientific research;
- (d) fishing vessels, fishery research and inspection vessels, and fishery factory vessels;
- (e) vessels used for pilotage, towage or sea-rescue; and
- (f) nuclear propelled vessels.

2. The term "members of the crew" shall mean the master and any other person actually employed for duties on board during the voyage of a vessel whose names are included on its crew list and who hold the identity documents referred to in Article 9 of this Agreement.

3. The term "cabotage" shall mean transport of goods and passengers between the ports of one of the Contracting Parties. The term "cabotage" includes any transport of goods which, although accompanied by a through bill of lading and no matter what their origin or destination is, are transhipped directly or indirectly at the ports of either Contracting Party in order to be carried to another port of the same Contracting Party. The same provisions shall apply to passengers even if they carry through tickets.

4. The term "international maritime transport" shall mean any transport by a vessel, except when the vessel is operated solely between places situated in the territory of a Contracting Party.

5. The term "competent authority" shall mean, in the case of the Republic of Korea, the Ministry of Maritime Affairs and Fisheries, and in the case of the Hellenic Republic, the Ministry of Mercantile Marine. In case of any changes concerning the names or functions of the competent authorities, the Contracting Parties shall make the necessary notifications through diplomatic channels.

6. The term "shipping company of a Contracting Party" shall mean an entity incorporated or registered in the territory of either Contracting Party according to its laws and regulations for operation or chartering of vessels.

Beneficiaries of the provisions of this Agreement shall also be shipping companies established outside the Republic of Korea or the Hellenic Republic and controlled by nationals of the Republic of Korea or the Hellenic Republic, if their vessels are registered in the Republic of Korea or in the Hellenic Republic in accordance with their respective legislation.

**ARTICLE 2**

The Contracting Parties shall base the development of their shipping relations on the principles of free and fair competition and the freedom of navigation and they shall refrain from any action that could adversely affect the international maritime transport and trade. The principle of non-discrimination shall apply to the commercial activities of nationals or legal entities of either Contracting Party, in the territory of the other Contracting Party.

**ARTICLE 3**

This Agreement shall not apply to cabotage. Where a vessel of either Contracting Party sails from one port to another in the territory of the other Contracting Party for the purpose of discharging inward cargo and/or disembarking passengers from abroad or loading outward cargo and/or embarking passengers destined for foreign countries, it shall not be regarded as cabotage.

**ARTICLE 4**

1. The Contracting Parties agree to follow in international maritime transport the principles of free and fair competition and in particular:
  - (a) to ensure the unrestricted access of vessels of the Contracting Parties to the maritime transport between the ports of both Contracting Parties and not to prevent them from participating in the maritime transport between their ports and the ports of third countries;
  - (b) to ensure that their vessels shall be free to provide international sea – river services in accordance with the national legislation of the Contracting Parties;
  - (c) to confirm that the vessels of each Contracting Party shall be granted the same advantages as if they were flying the flag of the other Contracting Party;

- (d) to cooperate with a view to eliminating all obstacles that might impede the development of maritime trade between the ports of the Contracting Parties and between their ports and the ports of third countries, or which might interfere with the various activities connected with such trade;
- (e) to abstain from introducing cargo sharing clauses into future bilateral agreements with third countries concerning dry and liquid bulk and liner trade, except where, in exceptional circumstances, with regard to liner trade, shipping companies from one or the other Contracting Party would not otherwise have an effective opportunity to engage in trade to and from the third country concerned and
- (f) to take necessary steps to phase out cargo reservation agreements in case that such arrangements are included in the existing bilateral arrangements of the Contracting Parties.

2. The provisions of paragraph 1 of this Article shall also apply to ships operated or chartered by nationals or shipping companies of the other Contracting Party.

3. The provisions of paragraph 1 of this Article shall not infringe the right of vessels of third countries to participate in maritime transport services between the ports of the Contracting Parties.

#### ARTICLE 5

In accordance with its laws and regulations, each Contracting Party shall grant the shipping companies of the other Contracting Party the right to establish branch offices in its territory. The branch offices shall have the right to act as agents for their principal offices. Both Contracting Parties agree that they shall grant the branch offices of the shipping companies of the other Contracting Party the same treatment as they accord to their own shipping companies in respect of their normal commercial operations.

**ARTICLE 6**

1. Each Contracting Party shall take, within the limits of its laws and regulations, all necessary measures to facilitate and expedite maritime traffic, to prevent unnecessary delays to vessels, and to expedite and simplify, as much as possible, all administrative, customs, health and other formalities required in its ports. However, this provision shall not be construed as restricting the rights of the Contracting Parties regarding the enforcement of customs and health laws and regulations or any other control measures provided by international conventions in force regarding the safety of vessels and ports, the protection against marine pollution, the safeguard of human lives, the training and certification of seafarers, the carriage of dangerous goods, the identification of goods and the admission of foreigners.

2. Each Contracting Party shall grant to vessels of the other Contracting Party the same treatment as it accords to its own vessels engaged in international voyages with regard to access to ports open to international trade, the use of infrastructure and auxiliary maritime services of the ports, as well as related fees and charges, customs facilities and assignment of berth and facilities for loading and unloading.

3. The provisions of paragraph 2 of this Article shall also apply to ships operated or chartered by nationals or shipping companies of the other Contracting Party.

4. The provisions of paragraphs 2 and 3 of this Article shall not oblige either Contracting Party to extend to the vessels of the other Contracting Party exemptions from compulsory pilotage requirements granted to its own vessels.

**ARTICLE 7**

The provisions of Article 6 shall not be construed so as to oblige one

Contracting Party to extend to the vessels of the other Contracting Party benefits of any treatment, preference or privilege which may be extended by the former Contracting Party by virtue of its participation to an economic integration agreement of any kind.

#### ARTICLE 8

1. Each Contracting Party shall recognize documents certifying the nationality of vessels, tonnage certificates and any other official vessel documents issued or recognized by the other Contracting Party. As far as the safety sector is concerned, the Contracting Parties shall recognize the relevant certificates of their vessels provided by them, on condition that these certificates are in accordance with the relevant international conventions in force.

2. The vessels of either Contracting Party holding International Tonnage Certificates shall be exempted from any other measurement requirements in the ports of the other Contracting Party. Port fees shall be calculated on the basis of these certificates. The Tonnage Certificate of vessels below 24 meters issued in accordance with national legislation shall be mutually recognized. Especially for environment friendly oil tankers with segregated ballast tanks (SBT) or double hulls, the port dues and fees shall be reduced as appropriate and in accordance with the national legislation of each Contracting Party.

3. Apart from a forced sale resulting from a decision of the Courts, the vessels of either Contracting Party cannot be registered in the Registry of the other Contracting Party without presentation of a certificate, issued by the competent authorities from which the vessels originate, stating that the vessels have been written off the Registry of that Contracting Party.

#### ARTICLE 9

1. The Contracting Parties shall mutually recognize the seafarer's identity documents issued by the relevant authorities of the other Contracting Party.



2. These identity documents shall be in the case of the Republic of Korea "Seafarer's Passport" and the "Korean Passport," and in the case of the Hellenic Republic "Seaman's Book" and the "Greek Passport".

3. Should the revised Convention (2003) N.185 of the International Labour Organization be ratified by the respective Contracting Parties, paragraph 2 of this Article shall not be valid and from that time the identity document is "Seafarer's Identification Card" issued by the competent authorities of either Contracting Party in accordance with the aforementioned Convention.

4. The provisions of Articles 10 and 11 apply to any person who is not a national of either Contracting Party but who possesses identity documents pursuant to the provisions of the relevant international conventions in force. Such identity documents shall be issued by a country, which is a party to the aforementioned conventions, and the Contracting Parties shall grant to the holder of the identity documents the right to return to the issuing country.

#### **ARTICLE 10**

1. Members of the crew holding the valid seafarer's identity document may go ashore and stay for temporary shore leave without visas during the stay of their vessel in a port of the other Contracting Party, provided that the master of the vessel has submitted the crew list to the relevant authorities of that other Contracting Party. However, while going ashore and returning to the vessel, the persons mentioned in this paragraph are subject to controls according to the legislation of that Contracting Party.

2. Any person holding the valid seafarer's identity document referred to in Article 9 supplemented by a passport shall, in the shortest possible time, be permitted to pass through the territory of the other Contracting Party for the purposes of repatriation, joining a vessel or other reasons acceptable to the relevant authorities of that other Contracting Party, in accordance with the laws and regulations of that other Contracting Party. In all cases referred to in this paragraph, the passport must bear the visa of that other Contracting Party.

3. In the case that any member of the crew holding the valid seafarer's identity document referred to in Article 9 supplemented by a passport is disembarked at a port of the other Contracting Party for reasons of health or for any other reasons recognized by the relevant authorities of that other Contracting Party, such authorities shall give the necessary authorization in order to enable the person concerned to remain in its territory, to receive medical attention or to be hospitalized, or to return to his/her country or to proceed to another port of embarkation by any means of transport.

4. While a vessel of one Contracting Party stays in the territory of the other Contracting Party, the owner or his/her representative of the vessel shall be entitled to contact or to meet with the members of the crew of the vessel, in accordance with the relevant laws and regulations of that other Contracting Party.

#### ARTICLE 11

1. Without prejudice to the provisions of Article 10, the domestic laws and regulations of each Contracting Party relating to the entry, residence, removal and departure of foreigners shall remain applicable.

2. Notwithstanding the provisions of Article 10, the Contracting Parties shall, however, reserve the right to prohibit access to their respective territories to any person holding the seafarer's identity document referred to in Article 9, whose access they consider undesirable.

3. The provisions of Article 10 of this Agreement are also applied to persons holding a valid passport on board the vessels of the Contracting Parties who are neither members of the crew nor included in the crew list but are engaged in duties related to the service or the work of the vessel during her voyage and are included in a special list.

#### ARTICLE 12

1. Ship owners of either Contracting Party may employ on board their vessels flying the flag of that Contracting Party seafarers who are nationals of the other Contracting Party, in accordance with the national legislation of the Contracting Party whose flag the vessel is flying.
2. The Contracting Parties shall take appropriate measures to facilitate the replacement and repatriation of the seafarers employed on board vessels of the Contracting Parties.

### ARTICLE 13

1. The vessels and members of the crew of either Contracting Party shall observe the relevant laws and regulations of the other Contracting Party during their stay in the territorial sea, internal waters and ports of that other Contracting Party.
2. If a member of the crew of a vessel of one Contracting Party commits an offence onboard while the vessel is within the internal waters or the territorial sea of the other Contracting Party, the provisions of paragraph 1 of the Article 27 of the United Nations Convention on the Law of the Sea (1982) shall apply.
3. In exercising their penal or civil jurisdiction, each Contracting Party shall take necessary measures to avoid detention of the vessels of the other Contracting Party. If such detention is absolutely necessary, the Contracting Parties shall limit the detention to the minimum or they shall permit the sail of the vessel on the submission of a guarantee.
4. The passengers and shipping companies of each Contracting Party shall comply with the laws and regulations of the other Contracting Party regarding the entry, stay and departure of passengers.

**ARTICLE 14**

1. If a vessel of either Contracting Party suffers shipwreck, runs aground, is cast ashore or suffers any other accident in the territorial sea or ports of the other Contracting Party, the relevant authorities of that other Contracting Party shall render the same assistance and protection to the passengers, members of the crew, vessel, and cargo, as that Contracting Party renders to a vessel flying its own flag.
2. Cargo, equipment, stores and other properties unloaded or rescued from a vessel in distress shall not be liable to customs duties or other taxes of any kind imposed upon by reason of importation, provided that they are not delivered for use or consumption in the territory of the other Contracting Party.
3. The vessel so stranded or wrecked as well as all in its parts, debris or accessories and all appliances, rigging, provisions and goods salvaged, including those jettisoned by such vessels or by vessels in distress, or the proceeds thereof if sold, as well as all documents found aboard the stranded or wrecked vessel or belonging to it, shall be delivered to the owner or his/her representatives when claimed by them. All expenses and taxes relating to rescue and assistance shall be applied in accordance with international conventions in force as well as the laws and regulations of each Contracting Party.
4. The provisions of this Article shall also apply to ships operated or chartered by nationals or shipping companies of the other Contracting Party.

**ARTICLE 15**

The provisions of this Agreement shall not affect the rights and obligations of the Contracting Parties arising from international conventions and agreements in force related to maritime matters and particularly the Hellenic Republic's obligations arising from its membership to the European Union.

/ ARTICLE 16

**ARTICLE 16**

The revenues of the shipping companies of either Contracting Party accruing from shipping services rendered in the territory of the other Contracting Party may, in accordance with the laws and regulations of that other Contracting Party, be used for making payments in the territory of that other Contracting Party or transferred abroad in freely convertible currencies at the market exchange rate prevailing on the date of transfer.

**ARTICLE 17**

1. To ensure the effective implementation of this Agreement and promote cooperation between the Contracting Parties in the field of maritime transport, a Joint Maritime Committee shall be established, composed of representatives designated by the Contracting Parties.

2. The Joint Maritime Committee shall:

- (a) deal with matters of mutual interest which may arise from the application of this Agreement;
- (b) study ways of facilitating research, exchange of information, technical cooperation and training in maritime transport, and of enhancing cooperation in the maritime fields; and
- (c) discuss other matters relating to the improvement of maritime transport relations including the furtherance of cooperation and mutual assistance in international organizations.

3. The Joint Maritime Committee shall meet alternately in the Republic of Korea and the Hellenic Republic on dates mutually agreed upon through diplomatic channels.

**ARTICLE 18**

/ Any dispute

Any dispute arising out of the interpretation or application of this Agreement shall be settled through consultations and negotiations between the Contracting Parties through diplomatic channels.

**ARTICLE 19**

This Agreement may be amended by mutual written consent of the Contracting Parties, exchanged through diplomatic channels.

**ARTICLE 20**

1. This Agreement shall enter into force on the date on which both Contracting Parties have notified each other through an exchange of diplomatic notes that all necessary domestic legal requirements for its entry into force have been fulfilled.
2. This Agreement shall remain in force for a period of five (5) years, and shall be automatically extended thereafter for successive five (5) year periods unless either Contracting Party notifies the other Contracting Party in writing of its intention to terminate this Agreement six (6) months before its expiry.

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

Done in duplicate at Athens on the 4th of September 2006, in the Korean, Greek and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF  
THE REPUBLIC OF KOREA



FOR THE GOVERNMENT OF  
THE HELLENIC REPUBLIC

