

**MARITIME CO-OPERATION AGREEMENT
BETWEEN**

**THE PORTUGUESE REPUBLIC
AND**

THE GOVERNMENT OF THE REPUBLIC OF TURKEY

The Portuguese Republic and the Government of the Republic of Turkey and hereinafter referred to as “Parties”,

Aiming to develop the relations between the two States and to enhance their co-operation in the field of maritime transport;

And to contribute to the development of commercial and economic relations between the two States;

In accordance with the principles of equality, mutual benefit, reciprocity and assistance,

Have agreed as follows:

Article 1

Purpose

This Agreement aims to establish the framework for the development of the co-operation between the Parties in the maritime field through the promotion of the co-ordination in the field of maritime trade, and the enhancement of safety and security of navigation.

Article 2

Definitions

For the purposes of this Agreement:

a) The term "vessel of a Party" means any vessel registered in the shipping register of the Party and flying the flag of that State in compliance with its national laws. This term does not, however, include:

i) Warships and other government ships operated for non-commercial purposes;

ii) Fishing vessels;

- iii) Hydrographic, oceanographic and scientific research vessels;
 - iv) Sport and pleasure vessels;
 - v) Vessels carrying hazardous waste.
- b) The term "crew member" means the master and any other person, actually employed on board a vessel for duties on board during a voyage in the working or service of a vessel and included in the crew list;
- c) The term "Port of a Party" means any seaport in the territory of a Party that is declared open to international shipping for loading, unloading or transshipment of goods and/or passengers by that party,
- d) The term "competent authorities" means:
- i) In respect of the Republic of Turkey-The Ministry of Transport, Maritime Affairs and Communications;
 - ii) In respect of the Portuguese Republic - The Ministry of Economy and the Ministry of Agriculture and Sea.
 - iii) The Parties shall immediately inform each other in written form through diplomatic channels of any change of the competent authorities .This change does not constitute an amendment under Article 14 of this Agreement.

Article 3

Treatment in Ports

1. Each Party shall accord to the vessels of the other Party on the condition of reciprocity the same treatment as it accords to its own vessels engaged in international maritime transport in respect of free access to ports, allocation of berths and use of port facilities for loading and unloading cargoes, transshipment, embarking and disembarking of passengers, use of services intended for navigation.
2. The provisions of paragraph 1 of this Article shall not:
 - a) Apply to ports not open to the entry of foreign vessels;

- b) Apply to maritime cabotage and to other activities reserved by each of the Parties;
- c) Oblige a Party to extend to vessels of the other Party exemptions from compulsory pilotage requirements granted to its own vessels.

Article 4

Areas of co-operation

1. The Parties shall co-operate and exchange views and experiences on the following areas:
 - a) Construction and development of ports, by the establishment of joint ventures for operation and/or management of ports;
 - b) Ship and yacht building, ship maintenance and repair, ship recycling and construction of shipyards:
 - i) Ship and yacht building;
 - ii) Ship maintenance and repair;
 - iii) Ship recycling and creation/application of modern technologies;
 - iv) Construction and modernization of shipyards on both Parties.
 - c) Professional training in the field of:
 - i) Maritime safety and security;
 - ii) Prevention of marine pollution;
 - iii) Port and fleet management;
 - iv) Ship building, ship maintenance, repair and recycling services.
 - d) Development of the multimodal transport between the Parties;
2. The Parties shall encourage their own public and private maritime sectors to engage in this co-operation.
3. The Parties shall make, within the limits of their legislation, efforts to develop co-operation between their commercial organizations and classification societies engaged in maritime transport and ship building and their competent authorities.

4. The Parties shall support the establishment in their territories of joint enterprises engaged in maritime transport and of representative offices not engaged in commercial activities of shipping organizations of the other Party, according to the principle of reciprocity and subject to the legislation of the host Party.

Article 5

Most favorable treatment

1. The Parties shall, within the framework of their legislation, port regulations as well as of their obligations under international law, take the appropriate steps to reduce as far as possible unnecessary delays to vessels in their ports and simplify the administrative, customs and health formalities in force in those ports.

2. If a vessel of one of the Parties suffers shipwreck, runs aground, is cast ashore or suffers any other accident in the internal waters or territorial sea of the other Party, the vessel shall enjoy in the territory of that Party the same treatment which is accorded to its national vessels, namely:

- a) The crew members, passengers and the cargo on board of that vessel shall be granted at any time help and assistance to the same extent as in the case of a national vessel;
- b) The cargo and articles unloaded or saved from that vessel, provided that they are not delivered for use or consumption in the territory of the other Party shall not be liable to any customs duties.

Article 6

Documents

1. The documents, certifying the nationality of vessels and other documents of the ship issued in accordance with national legislation or recognized by one of the Parties, in accordance with the relevant international regulations and its legislation shall be recognized by the other Party.

2. The vessels of each of the Parties bearing international tonnage certificates, issued in accordance with the International Convention on Tonnage Measurement of Ships, 1969 shall not be subject to re-measuring of tonnage in the ports of the State of the other Party.

3. The tonnage certificates of vessels below 24 meters issued by one of the Parties in accordance with its legislation shall be recognized by the other Party.

4. Each Party shall recognize the crew members identity documents duly issued by the appropriate authorities of the other Party in accordance with the relevant international regulations and its legislation and shall grant the holders of such documents the rights referred to in Article 7 of this Agreement on the conditions stipulated therein.

5. The identity documents referred in the above paragraph are:

a) For the Republic of Turkey - the Seaman's Book and Certificate of Seafarers (Gemiadami Cüzdanı/Gemiadamları Belgesi);

b) For the Portuguese Republic – the Seaman’s Book (Cédula Marítima).

Article 7

Entry, departure and transit of crew members

1. Holders of the identity documents referred to in Article 6 of this Agreement shall be entitled, irrespective of the means of transportation used, to enter or pass in transit the territory of the other Party to join their vessel, to be transferred on board another vessel, to return to their own State or to travel for any other purpose approved by the competent authorities of the other Party, subject to completion of the appropriate entry and exit procedures of that Party.

In such cases, according to the legislation of the respective Party, if visas are required they shall be granted within the shortest possible time.

2. If the holder of the crew members identity document referred to in Article 6 of this Agreement is not a national of either Party, the visas specified in paragraph 1 of this

Article shall be granted to the holder provided that return to the territory of the Party, which has issued the crew members identity document is guaranteed.

3. Where a crew member, holding the identity document referred to in Article 6 of this Agreement, is disembarked at a port of the Party for health reasons or for other reasons recognized as valid by the appropriate authorities, the latter shall permit the person concerned to remain in its territory and to return to his/her State of origin or proceed to another port of embarkation by any means of transportation if the crew member does not pose an imminent public health risk, as foreseen in the International Health Regulations (2005)

4. Without prejudice to the provisions of Article 6 of this Agreement and also paragraphs 1 to 3 of this Article, the provisions in force in the territories of the Parties relating to entry, stay and departure of foreigners shall remain applicable.

5. Each Party reserves the right to deny entry in its territory to any person possessing the above-mentioned crew members identity document whom it considers undesirable.

Article 8

Protection of marine environment

1. The vessels of each Party shall take all necessary measures to prevent environmental damage within the territory as well as exclusive economic zone of the other Party in accordance with the relevant international regulations and the legislation of the other Party.

2. Vessels of each Party, in the territory of the other Party, shall be liable, according to the latter Party's legislation in force in the field of environmental protection.

3. In case of a marine pollution caused by a vessel of one of the Parties in the territory of the other Party, as well as its exclusive economic zone, the polluting vessel will be responsible according to the legislation of that Party and relevant international conventions.

Article 9

Implementation

Representatives of the competent authorities of the Parties shall meet as necessary alternately in the Republic of Turkey and in the Portuguese Republic to hold consultations on matters concerning the implementation of this Agreement and on other maritime transport matters of mutual interest.

Article 10

Co-operation in ports

1. The Parties shall not hinder the participation of the vessels of one Party in sea-borne trade between the ports of the other Party and the ports of third States to the extent that it is in conformity with the legislation, practices and policies of the Parties.
2. The provisions of this article shall not affect the right of the vessels of third States to participate in sea-borne trade between the ports of the two Parties to the extent that it is in conformity with the legislation, practices and policies of the Parties.
3. The Parties shall stimulate the participation of vessels of both Parties in cargo transportation in bilateral trade and especially encourage the establishment of liner services in accordance with the principle of mutual benefit.
4. The Parties shall make maximum efforts in order to establish joint liner services mentioned in paragraph 3 of this Article.
5. In this respect, the Parties shall establish Ad Hoc Working Groups with the participation of the related stakeholders for the implementation of paragraph 3 of this Article.

Article 11

Relations with other International Conventions

The provisions of this Agreement shall not affect the rights and obligations of each of

the Parties arising from other international conventions to which the Republic of Turkey and the Portuguese Republic are Parties.

Article 12

Settlement of disputes

Any dispute concerning the implementation or interpretation of this Agreement shall be settled through negotiations between the Parties, through diplomatic channels.

Article 13

Entry into force

This Agreement shall enter into force thirty(30) days after the date of receipt of the later of the notifications, in writing through diplomatic channels, conveying the completion of the internal procedures of each Party required for that purpose.

Article 14

Amendments

1. This Agreement may be amended upon written request of either Party.
2. The agreed amendments shall enter into force in accordance with the terms specified in Article 13 of this Agreement.

Article 15

Duration and termination

1. This Agreement shall remain in force for a period of five (5) years from the date of its entry into force, automatically renewable for successive periods of five (5) years,
2. Either Party may terminate this Agreement at any time upon a notification in writing and through diplomatic channels, with a minimum of six (6) months.

3. The termination will enter into force ninety (90) days after the receipt of the notification by the other Party.

4. The termination of the present Agreement shall not affect ongoing programs or/and activities determined and initiated before the termination of this Agreement, except if the Parties agree otherwise.

Article 16

Registration

Upon the entry into force of the This Agreement, the Party in whose territory it is signed shall transmit it to the Secretariat of the United Nations for registration, in accordance with Article 102 of the Charter of the United Nations, and shall notify the other Party of the completion of this procedure as well as of its registration number.

Done in Ankara on the 23rd of october in two originals, in the Portuguese, Turkish and English languages, each text being equally authentic. In case of divergence of interpretation, the English text shall prevail.

For the Portuguese Republic

Paulo Sacadura Cabral PORTAS
Deputy Prime Minister

**For the
Government of the Republic of
Turkey**

Lüfti ELVAN
Minister of Transport, Maritime Affairs
and Communications