EC/China Agreement on maritime transportation

2002/0048(CNS) - 28/01/2008 - Final act

PURPOSE: to conclude a bilateral agreement between the European Community and China on maritime transport.

LEGISLATIVE ACT: Council Decision 2008/143/EC concerning the conclusion of the Agreement on maritime transport between the EC and its Member States, of the one part, and China, of the other part.

CONTENT: this Decision approves the Agreement on maritime transport between the EC and its Member States, and China, on behalf of the Community. The Agreement was initialled by the Commission on 12 December 2001 and was signed in Brussels on 6 December 2002, subject to its subsequent conclusion. A Protocol amending the Agreement to take account of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic to the EU was signed in Beijing on 5 September 2005. Bulgaria and Romania are to accede to the Agreement by way of a protocol between the Council and the People's Republic of China.

The main provisions established by the Agreement are the following:

- improving the conditions under which maritime cargo transport operations are carried out to and from China, to and from the European Community, as well as to and from the European Community and China on the one hand and third countries on the other, for the benefit of economic operators;

  supporting the present situation of national treatment to vessels flying the EU flag or being operated by EU nationals or companies, as regards 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;
- in respect of activities for the provision of international maritime cargo transport and logistic services, including multimodal operations involving a sea leg, it stipulates that China shall permit the EU shipping companies, to establish wholly-owned or jointly-invested subsidiaries, branches or representative offices, in accordance with its laws and regulations;
- provides for the right of wholly-owned or jointly-invested subsidiaries, branches or representative offices of the EU shipping companies established in China to employ key personnel, in accordance with the legislation in force;
- allowing revenues of EU nationals or companies derived from international maritime transport and multimodal operations in China to be settled in freely convertible currencies, as well as the earnings from the economic activities of the subsidiaries, branches and representative offices of the EU shipping companies in China to be freely remitted abroad at the exchange rate of the bank on the date of remittance;
- providing for maritime co-operation in the fields of maritime safety, marine pollution prevention, maritime education and training, enhancing efforts for combating piracy and terrorism as well as exchanges of personnel, scientific information and technology.

As regards the existing bilateral maritime Agreements between EU Member States and China (11 Member States have such bilateral maritime agreements), only the "trade" provisions of those agreements will be "substituted" by the provisions of the Agreement while the remaining ones regarding notably the status of the crew or taxation matters will continue to apply. Moreover it is also provided for in the Agreement that

if it the latter is less favourable on certain issues than existing bilateral agreements then the more favourable provisions shall prevail without prejudice to Community obligations and taking into account the Treaty.

Both sides confirmed their support to the multilateral negotiations on maritime services in the World Trade Organisation.