Basic information

2002/0048(CNS) CNS - Consultation procedure Decision	Procedure completed
EC/China Agreement on maritime transportation See also 2004/0290(CNS) See also 2008/0133(CNS) See also 2014/0327(NLE) **Subject** 3.20.15.06 Maritime or inland transport agreements and cooperation **Geographical area** China	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	WATTS Mark Francis (PSE)	19/03/2003

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2845	2008-01-28
Transport, Telecommunications and Energy	2452	2002-10-03
Agriculture and Fisheries	2592	2004-06-21

European Commission

Commission DG	Commissioner
Energy and Transport	BARROT Jacques

Key events

Date	Event	Reference	Summary

18/02/2002	End of procedure in Parliament		
22/02/2002	Initial legislative proposal published	COM(2002)0097	Summary
05/02/2003	Legislative proposal published	06049/1/2003	
27/03/2003	Committee referral announced in Parliament		
08/07/2003	Vote in committee		Summary
08/07/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0254/2003	
02/09/2003	Decision by Parliament	T5-0357/2003	Summary
02/09/2003	Debate in Parliament		
28/01/2008	Act adopted by Council after consultation of Parliament		
28/01/2008	End of procedure in Parliament		
21/02/2008	Final act published in Official Journal		

Technical information

Procedure reference	2002/0048(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Amendments and repeals	See also 2004/0290(CNS) See also 2008/0133(CNS) See also 2014/0327(NLE)
Legal basis	EC Treaty (after Amsterdam) EC 300-p2/3 EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/16010

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0254/2003	08/07/2003	
Text adopted by Parliament, 1st reading/single reading		T5-0357/2003 OJ C 076 25.03.2004, p. 0038-0102 E	02/09/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	08388/1/2002	30/09/2002	Summary
Legislative proposal	06049/1/2003	05/02/2003	

European Commission

Document type	Reference	Date	Summary
Initial legislative proposal	COM(2002)0097 OJ C 181 30.07.2002, p. 0176 E	22/02/2002	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2008/0143
OJ L 046 21.02.2008, p. 0025 Summary

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.

EC/China Agreement on maritime transportation

2002/0048(CNS) - 30/09/2002 - Document attached to the procedure

This proposal concerns the conclusion of an agreement on maritime transport between the Community and its Member States, on the one hand and China on the other. Moreover, it is, in fact, the definitive text which is similar to the previous proposal (please refer to the previous document).

EC/China Agreement on maritime transportation

2002/0048(CNS) - 22/02/2002 - Initial legislative proposal

PURPOSE : to conclude a bilateral agreement between the European Community and China on maritime transport. CONTENT : as EU's third largest trading partner outside Europe as well as an important provider of international maritime transport services, China has become a major player in the international maritime world. It is for this reason that the Commission is proposing the conclusion of a joint agreement between the European Community and China. This bilateral agreement is seen as an opportunity to consolidate existing business improvements and to further promote maritime relations between the two regions and their economic operators on the basis of equality and mutual benefit. The draft agreement aims to improve the conditions under which maritime transport operations are carried out to and from China and to and from the Community for the benefit of economic operators. The Agreement, which will be concluded for a period of 5 years and will be renewed on a yearly basis, is based on the principles of freedom to provide maritime transport services, free access to cargoes and cross trades, unrestricted access to and non discriminatory treatment in the use of ports and auxiliary services as well as regarding commercial presence. Moreover it covers all aspects of door to door services. The Agreement places the existing bilateral agreements concluded by Member States in a Community framework and reaches a higher level of liberalisation than the one achieved up to now on a bilateral basis. It therefore substantially improves the quality of the EU-China maritime relations. In particular 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; - supports 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; - allows 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 companiesin China to be freely remitted abroad at the exchange rate of the bank on the date of remittance; - provides 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. Finally, both sides confirmed their support to the multilateral negotiations on maritime services in the World Trade Organisation.

EC/China Agreement on maritime transportation

2002/0048(CNS) - 02/09/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Mark WATTS (PES, United Kingdom) and approved the conclusion of the agreement. It asked that concerns regarding the recognition of third country flags within the scope of this agreement be evaluated in subsequent renewals.