

**AGREEMENT  
BETWEEN  
THE GOVERNMENT OF THE SULTANATE OF OMAN  
AND  
THE GOVERNMENT OF THE REPUBLIC OF INDIA  
ON  
MARITIME TRANSPORT**

The Government of the Sultanate of Oman and the Government of the Republic of India (herein after jointly referred to as the "Parties" and in singular as "Party").

Based on the ties between the Parties and their desire to strengthen their economic and commercial relationship, and to lay the foundations for cooperation in the field of Maritime Transport and Ports in order to develop, facilitate and organize the Commercial Shipping between them for the use of their national ports and maritime fleets with a view of achieving common development serving the benefits of the two friendly countries; and

Pursuant to the provisions of the International Conventions in the field of Maritime Affairs to which both the Republic of India and the Sultanate of Oman are parties and in accordance with the principles of equality and mutual benefit have agreed as follows:

**ARTICLE 1**  
**DEFINITIONS**

In this Agreement unless the context otherwise indicates:-

- (a) "Competent Authority" means:-
- (i) In the case of the Sultanate of Oman the Ministry of Transport; and,
  - (ii) In the case of the Republic of India, the Ministry of Shipping.
- (b) "International Maritime Transport" means transport by a vessel except when the vessel is operated solely between the ports of either Party, excluding cabotage.
- (c) "Cabotage" means transportation in the domestic or foreign trade of the country of a Party, of passengers or goods between any port located in the territory of a Party

to any other port located in the territory of the same Party as well as feeding service within a port in the territory of the Party and further includes transportation of passengers or goods between a port located in the territory of that Party and any installations/structures situated in the exclusive economic zone/continental shelf of that Party.

- (d) Transportation/feeding refers to the activity where passengers are both embarked and disembarked or goods that are both loaded and discharged in the territory of a Party.
- (e) "National Law" means the domestic law of the country of a Party and includes, statutes, rules, executive instructions, regulations and bye-laws.
- (f) "Member of Crew of the Vessel" means the Master and any person employed for duties aboard the vessel and whose name appears on the crew list of that vessel.
- (g) "Shipping Company" means a legal entity which meets the following conditions, namely:-
- (i) That it has been constituted in accordance with the laws of the respective Parties;
  - (ii) That its Headquarter or principal place of business is located in the territory of respective Parties, and,
- (h) "Vessel" and "Vessel of a Party" means any merchant vessel registered in the Shipping Register of that Party and flying its flag in accordance with its domestic law but excluding the following, namely:-
- (i) Warships and auxiliary ships of the armed forces;
  - (ii) Vessels for hydrographic, oceanographic, scientific research and survey;
  - (iii) Vessels covered under the Cabotage provisions and inland waterway navigation;
  - (iv) Dredgers and vessels destined for providing port, roadstead and beach services, including pilotage, towing, assistance and rescue at sea;
  - (v) Fishing boats, fishery research and inspection vessels, and fishery factory vessels;

- (vi) Vessels which are performing exclusively administrative or state functions;
- (vii) Vessels used for non commercial purposes; and
- (viii) Nuclear propelled vessels.

## **ARTICLE 2** **SCOPE**

1. The provisions of this Agreement shall apply to International maritime transport of all types of cargoes (i.e goods and passengers), except in cases where cargo preference to domestic flag vessels is applicable in accordance with the national laws in the country of that Party.
2. The provisions of this Agreement do not apply to Cabotage and inland waterway navigation.
3. The provisions of this Agreement shall not impede third-flag vessels to participate in the international transport of goods and passengers between the ports of the Contracting Parties.

## **ARTICLE 3** **DEVELOPMENT AND CO-OPERATION**

- (1) The Parties shall co-operate with each other to develop a mutually beneficial relationship in the field of commercial shipping and related maritime activities.
- (2) The Parties shall:-
  - a) encourage and facilitate the development of maritime relationship between their shipping organizations and enterprises and also co-operate very closely in the task of enhancing and stimulating the steady growth of maritime traffic between their countries;
  - b) encourage and facilitate exchange and training of staff and students from various maritime establishments such as maritime educational institutions.

- c) encourage and facilitate exchange of information necessary for accelerating and facilitating the flow of commercial goods at sea and at ports and encourage the strengthening of co-operation between merchant fleets;
- d) encourage and facilitate establishment of joint ventures and provide mutual assistance in the fields of maritime transportation, shipbuilding, ship repairs, ship recycling, maritime training, maritime information technology applications including developments of simulators, Port facilities and related maritime activities.
- e) undertake, according to their port legislation and regulations, all measures needed to facilitate and encourage international maritime transport, in order to avoid unnecessary ship delays and accelerate and simplify as much as possible the compliance with customs formalities in force in their respective ports.

**ARTICLE 4**  
**SUPPLY OF SERVICES**

(1) Each Party shall grant, subject to its national laws in force a treatment no less favourable than that accorded to its own vessels, to vessels flying the flag of the other Party or operated by the shipping companies of the other Party, with regard to access to ports, use of infrastructure and auxiliary maritime services of those ports, as well as related fees / charges and assignment of berths and facilities for loading and unloading.

(2) The Parties undertake to apply effectively the principle of unrestricted access to the international maritime market and traffic subject to the preference of cargo owners/cargo (controlling) interests as also to the national laws of the respective Parties. This agreement shall not restrict the freedom of the Parties to continue the application of the existing measures, procedures and practices such as cargo preference to the vessels flying their respective national flags and to introduce such measures as may be required in the interest of their respective national shipping fleets.

**ARTICLE 5**  
**COMMERCIAL PRESENCE**

In respect of activities for the provision of international maritime cargo transport and logistics services, each Party shall permit the shipping companies of the other Party, to establish wholly-owned or jointly invested subsidiaries or branches, to engage in

economic activities, in accordance with its national law. Such activities include, but are not limited to the following, namely:-

- (1) cargo soliciting and booking of space;
- (2) preparing, authenticating, processing and issuing of the bill of lading, including the commonly accepted, through bill of lading, in the international maritime transport as well as preparation of other documentation concerning transportation and those required as per customs laws of the Party;
- (3) fixing, collecting and remitting freight and other charges incurred on the basis of service contracts or tariff rates;
- (4) negotiating and signing service contracts;
- (5) quoting and publishing tariff rates;
- (6) engaging in marketing activities related to their service;
- (7) provision of business information by any means, including computerized information systems and electronic data interchange, subject to any non-discriminatory restrictions concerning telecommunications in force;
- (8) setting up of any business arrangement, including participation in the company's stock and the appointment of personnel recruited locally, with any locally established shipping company;
- (9) acting on behalf of the shipping companies, inter alia, in organizing call of the vessels and taking delivery of cargoes for shipment.

#### **ARTICLE 6**

#### **ENVIRONMENTAL PROTECTION**

- (1) Vessels of the Parties are subject to the national laws and applicable International Conventions in force in the countries of the Parties pertaining to environmental protection.

- (2) The vessels from the country of each Party shall take preventive measures against polluting the territorial waters and designated areas in the exclusive economic zone of the other Party.
- (3) In the event of any pollution in the territory of a Party resulting from a breach of sub paragraph 2 above, the defaulting vessel shall be liable under the relevant national law of that Party and international Conventions to which both the Republic of India and the Sultanate of Oman are Parties as applicable to the nature of the pollution caused.

**ARTICLE 7**  
**RECOGNITION OF DOCUMENTS**

- (1) Each Party shall recognize the nationality of vessels of the other Party as indicated in the vessels' documents on board issued by the Competent Authority of the other Party in accordance with its national law.
- (2) The other documents on board issued or recognized by a Party shall be recognized by the other Party with respect to the vessels of the former Party.
- (3) Vessels of either Party possessing Tonnage Measurement Certificates issued in accordance with the International Convention on Tonnage Measurement of Ships, 1969 shall not be re-measured in the ports of the other Party. Provided that, should the latter Party have reasonable grounds to question the correctness of the said Certificate, the following procedure shall be adopted, namely:-
- (i) the concerned Party shall inform the Party whose flag the vessel is flying about the grounds for such suspicion;
  - (ii) the competent authority of the Party in which the harbour is situated and which has suspicion may direct a surveyor to give a ruling in accordance with its national law, or, if necessary, in accordance with Article 12 of the IMO International Convention on Tonnage Measurement of Ships, 1969.
- (4) Each Party shall recognize the identity documents issued by the competent authorities of the other Party to its crew members. The crew list of the vessel will be recognized for the purposes of this Agreement only if it is submitted by the Master of the

vessel to the concerned Port Authority when the vessels arrives at or visits any port of the other Party. The identity documents so issued are hereinafter referred to as "IDs".

(5) Each Party shall recognize certificates of competency of crew members issued or recognized by the other Party on the basis of the latter's domestic law and in accordance with the International Convention on Standards of Training, Certification and Watch keeping for Seafarers 1978, as amended.

### **ARTICLE 8** **NATIONAL LAW**

(1) All vessels of a Party, as well as all goods, passengers and crew of such vessels shall, when in the territorial and internal waters of the other Party, be subject to the relevant National Law in force in the country of that other Party and in particular, to traffic safety, maritime security, border, customs, foreign currency, health, veterinary and phytosanitary measures.

(2) The passengers and shipping companies of each Party shall comply with the national laws of the other Party regarding the entry, stay and departure of passengers.

(3) Provisions regarding taxation or exemption from taxation of income and profits derived from business in the field of maritime transport within the country of the other party shall constitute the subject of a separate agreement between the Parties.

### **ARTICLE 9** **RIGHTS OF TRANSIT AND STAY OF SEAFARERS**

(1) Any seafarer holding the IDs, having a valid passport and adequate travel funds shall, in shortest possible time, be entitled to transit/pass through ( the territory of the other Party) for the purposes of repatriation, joining a vessel or other reasons acceptable to the relevant authorities of other Party, in accordance with the national law of that other Party.

(2) In all cases referred to in sub Article (1) of this Article, the seafarer must obtain the appropriate visa from the other Party, prior to or after entering the territory of that Party

as per international shipping practice. The Parties shall endeavor to facilitate speedy issuance of the visas.

(3) When a seafarer on board the vessel of the Party holding the IDs and a valid passport disembarks at a port of the other Party for health reasons, purposes of service or for other reasons recognized as valid by the competent authorities, the latter shall give the necessary authorization for the person concerned to remain in its territory in the event of his or her hospitalization and to return to his or her country of origin or proceed to another port of embarkation by any means of transport.

(4) While a vessel of one Party stays in the territory of the other 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 national law of that other Party.

(5) For the same purposes as those enumerated in sub Article (1) above, any person holding IDs as defined in para (4) of Article 7 and a valid passport, who does not possess the nationality of one of the parties shall be granted the entry and transit visas required for the territory of the other Party provided re-admission to the territory of the Party which issued the identity documents is guaranteed.

(6) The national laws in force in the countries of the respective Parties relating to the entry, abode and removal of foreigners shall remain applicable.

(7) Notwithstanding the provisions of this Article, the Parties reserve the right to prohibit access to their respective countries to any person, even if possessing the ID that they consider undesirable.

(8) A crew member of a vessel of a Party in a port of the other Party, who is in possession of the IDs, may disembark from his or her vessel and shall, subject to the relevant national law in force in the respective countries of the parties have access to the town where the port is situated: Provided that the crew list is handed over to the competent authorities, in compliance with the rules that are applicable to that port. Such persons shall comply with regulatory control both ongoing ashore and returning aboard the vessels.



(9) All changes in the crew of a vessel shall be recorded in ships' documents with due reference to the date of and reason for such a change and shall be communicated to the ports authorities of the Party in whose territory the vessel is staying.

**ARTICLE 10**  
**SAFETY OF SEAFARER**

(1) If any accident/casualty occurs aboard a vessel of a Party (either in the territorial waters of the other Party or at high seas) then the latter Party having jurisdiction (either as a coastal state if the said accident/casualty has occurred in its territorial waters or as a port state when the said accident/casualty has occurred on high sea shall investigate and take prompt action as per its national laws and international conventions, ensuring timely delivery of justice.

While striving to achieve the aforesaid objective, the Party which has the jurisdiction as per aforesaid paragraph shall, while conducting the casualty investigation involving safety related accidents, facilitate for participation of investigator(s), from the substantially interested Party, in the investigation being carried out;

(2) The Parties agree to cooperate for strengthening the international rules, laws and conventions in ensuring safety of seafarers at IMO/ILO and other international forums.

**ARTICLE 11**  
**SPECIAL OBLIGATION WITH RESPECT TO CALLING VESSELS**

The vessels of the Parties must refrain from any act that could affect peace, order and security of the Parties as well as any activity that is not directly related to their mission.

**ARTICLE 12**  
**VESSELS IN DISTRESS**

(1) If a vessel of one Party is in distress in the Search and Rescue region of the other Party, the latter shall render the same assistance and protection to such vessel as it would have rendered to its own vessels.

(2) All goods unloaded or saved by one Party from a vessel in distress of the other Party, shall not be subject to Customs Duties in cases where such goods are not intended for consumption or use in the territory of the former Party.

**ARTICLE 13**  
**PAYMENTS AND CAPITAL MOVEMENTS**

- (1) The Parties undertake to authorise in freely convertible currency, any current payments between nationals and companies of the Parties connected with international maritime transport and made in accordance with the provisions of the present Agreement as well as in conformity with the applicable national law.
- (2) The free movement of capital between nationals and companies of the Parties in the form of direct investment made in companies formed in accordance with the laws of the host country shall be ensured as per applicable national law.
- (3) The Parties shall consult each other with a view to facilitating the movement of capital between them in order to promote the objectives of this Agreement.

**ARTICLE 14**  
**JOINT MARITIME COMMITTEE**

A Joint Maritime Committee (herein after referred to as "Committee") comprising of representatives of the relevant authorities of both the parties shall be established and hold meetings alternately and periodically and/or at the request of either Party in the territory of either Party in order to discuss and review the issues which may arise out of implementation of this Agreement and conduct joint studies on rendering new services in the field of maritime transport.

**Article 15**  
**REGIONAL AND INTERNATIONAL RELATIONS**

The Parties may whenever possible coordinate and integrate their standpoints in the International Organizations / Authorities and Associations as well as Regional and International Conferences and Forums related to the Maritime Activities and Ports. Moreover they may coordinate their efforts in joining the conventions and treaties relating to this matter in order to support the objectives of this Agreement.

**ARTICLE 16**  
**CONSULTATIONS AND SETTLEMENT OF DISPUTES**

- (1) The Committee must be consulted on any dispute arising from the interpretation or implementation of this Agreement.
- (2) If the dispute is not settled after consultations with the Committee, it must be submitted to the competent authorities for direct negotiations.
- (3) If the dispute cannot be resolved through direct negotiations between the competent authorities of both Parties, either of the Parties can then take recourse of the diplomatic channels.

**ARTICLE 17**  
**AMENDMENTS**

This Agreement may be amended by mutual written consent of the Parties in accordance with the same procedures mentioned in Article 18 of this Agreement.

**ARTICLE 18**  
**ENTRY INTO FORCE**

This Agreement shall enter into force on the date on which each Party has notified the other Party in writing through the diplomatic channel of its compliance with the requirements in accordance with its national law necessary for the implementation of this Agreement. The date of entry into force shall be the date of the last notification.

**ARTICLE 19**  
**DURATION AND TERMINATION**

- (1) This Agreement shall remain in force for an initial period of five(5) years whereafter, it shall be renewed automatically for a successive periods of three(3) years, unless terminated by either Party giving six (6) months written notice in advance through the diplomatic channel of its intention to terminate this Agreement.

**IN WITNESS WHEREOF** the undersigned being duly authorized by their respective Governments, have signed and sealed this Agreement, in **two** originals in the Hindi, English and Arabic languages, all texts being equally authentic. The English text shall prevail in the event of any divergence in the interpretation of this Agreement.

**DONE** at Muscat on Tuesday of 24<sup>th</sup> December in the year of two thousand and nineteen.

**FOR THE GOVERNMENT OF THE  
SULTANATE OF OMAN**

**FOR THE GOVERNMENT OF  
THE REPUBLIC OF INDIA**

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**H.E SAID BIN HAMDOON BIN SAIF AI HARTHY  
UNDERSECRETARY FOR PORTS AND  
MARITIME AFFAIRS MINISTRY OF TRANSPORT**

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**H.E MUNU MAHAWAR  
AMBASSADOR OF IINDIA TO THE  
SULTANATE OF OMAN**