

CHAPTER 10

INTERNATIONAL MARITIME TRANSPORT SERVICES

Article 10.1: Definitions

For the purposes of this Chapter:

international maritime transport services means maritime transport of cargo or passengers between a port of a Party and a port of the other Party or a non-Party;

maritime auxiliary services refers to the following services:

- (a) **maritime cargo handling services** means cargo handling services provided for containerised freight, non-containerised freight or passenger baggage. Included are services of freight terminal facilities, on a fee or contract basis, for the maritime sector, i.e. ports, including stevedoring services (i.e. the loading, unloading and discharging of vessels' containerised and non-containerised freight, at ports), and maritime cargo handling services incidental to freight transport;
- (b) **storage and warehousing services** means storage and warehousing services of frozen or refrigerated goods, including perishable food products, bulk storage and warehousing services of liquids and gases, and storage and warehousing services of other goods, including: cotton, grain, wool, tobacco, other farm products, and other household goods;
- (c) **customs clearance services** or **customs house brokers' services** means activities consisting in carrying out on behalf of another customs formalities concerning import, export or through transport of cargoes, whether this service is the main activity of the service provider or a usual complement of its main activity but excludes the exercise of statutory powers by customs officers;
- (d) **container station and depot services** means activities consisting of storing containers with a view to their stuffing/stripping, repairing and making them available for shipments;
- (e) **maritime agency services** means activities consisting in representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
 - (i) marketing and sales of maritime transport and related services, from quotation to invoicing, and issuance of bills of lading on behalf of the companies, acquisition and resale of the necessary related services, preparation of documentation, and provision of business information; and

- (ii) acting on behalf of the companies in organising the call of the ship or taking over cargoes when required; and
- (f) **maritime freight forwarding services** means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the acquisition of transport and related services, preparation of documentation and provision of business information;

services at the port means pilotage; towing and the tug assistance; provisioning, fuelling and watering; garbage collecting and ballast waste disposal; port captain's services; navigation aids; shore-based operational services essential to ship operations including communications, water and electrical supplies; emergency repair facilities; anchorage.

Article 10.2: Scope

1. This Chapter shall apply to measures adopted or maintained by a Party affecting international maritime transport services supplied by a service supplier of the other Party.
2. For greater certainty, measures affecting the supply of international maritime transport services are subject to the obligations contained in the relevant provisions of Chapter 8 (Investment) and Chapter 9 (Cross-Border Trade in Services), and any exceptions or non-conforming measures set out in this Agreement that are applicable to such obligations.
3. The Parties recognise their respective rights and obligations under any applicable international instruments that regulate international maritime transport and activities related to maritime transport.¹

Article 10.3: Access to Ports, Services at the Port, and Maritime Auxiliary Services

1. No Party shall:
 - (a) adopt or maintain any measure that would deny international maritime transport services or service suppliers of the other Party access on non-discriminatory terms and conditions:
 - (i) to ports;
 - (ii) to infrastructure and services at the port; or

¹ For greater certainty, the obligations of a Party under any international instrument mentioned in this paragraph are not subject to the dispute settlement mechanism in Chapter 23 (Dispute Settlement) of this Agreement.

(iii) to maritime auxiliary services.

2. Paragraph 1 refers solely to the access to and use of the ports, infrastructure and services at the port, and maritime auxiliary services, but not the supply of such infrastructure and services at the port, or maritime auxiliary services, including the leasing of vessels, themselves.

Article 10.4: Cooperation

The Parties shall endeavour to undertake and strengthen cooperation activities between them in the international maritime transport services sector. Areas of cooperation may include, but are not limited to:

- (a) working together through international fora to overcome obstacles that may arise in the provision of international maritime transport services and to sharing knowledge of best practices;
- (b) sharing information about laws and regulations, public policies or programmes that contribute to greater efficiency in the provision of international maritime transport services and services;
- (c) promoting and sharing information on education and training opportunities for personnel engaged in maritime transport services, including information required for the recognition of seafarers' qualifications;
- (d) promoting the exchange of students between academic merchant marine training centres of the Parties subject to availability and the selection processes determined by each Party;
- (e) encouraging the exchange of experiences on trade facilitation projects, such as the "Single Window", the concept of a "business single point of vessel-port interface," under recognition procedures for electronic documents related to vessels, crew and cargo; and
- (f) exploring the possibility of working together in the pursuit of mechanisms to facilitate and promote the on board training for students on the vessels of the Parties.

Article 10.5: Repositioning of Empty Containers

Each Party shall permit international maritime transport service suppliers to reposition empty containers, whether owned or leased, which are not being carried as cargo against payment, between ports located in the Party.

Article 10.6: Port Fees and Charges

1. Each Party shall recognise the *International Tonnage Certificate (1969)* duly issued to a vessel of an international maritime transport service supplier of the other Party pursuant to the *International Convention on Tonnage Measurement of Ships, 1969* (“Convention”). Tonnage-based port charges and expenses shall be collected on the basis of tonnage as stated in the *International Tonnage Certificate (1969)* or, in the case of a vessel not subject to the Convention, the certificate of registry.
2. If a Party decides to carry out an inspection related to the tonnage of a vessel, such inspection shall be carried out in compliance with the Convention.

Article 10.7: Administration of this Chapter

1. Matters relating to administration of this Chapter shall be considered by the Parties through the Services, Investment and E-Commerce Committee established under Article 22.5(b) (Establishment of Cross-Cutting Committees).
2. The Services, Investment and E-Commerce Committee shall have the following additional function under this Chapter:
 - (a) to consider further opportunities to facilitate the international maritime transport, including through the development of activities undertaken pursuant to Article 10.4.