

ANNEX 6.E
MARITIME PERSONNEL

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Article 1
Seafarers' Valid Identity Documents

1. The valid identity documents of crewmembers duly issued by the competent authorities of a Party shall be recognised by another Party. In accordance with the *Seafarers' Identity Documents Convention, 1958*, done at Geneva on 13 May 1958 (ILO Convention 108), and until the provisions of (e) apply, these documents are:
 - (a) in the case of the Republic of India, the “Passport” and the “Continuous Discharge Certificate-cum-seafarers” Identity Document (CDC-cum-SID);
 - (b) in the case of Iceland, the “Passport” and the “Sea Service Book”;
 - (c) in the case of Norway, the “Passport” and the “Sea Service Book”;
 - (d) in the case of Switzerland, the “Passport” and the “Seaman Book”; or
 - (e) a passport and seafarers’ identity card issued in accordance with the *Seafarers' Identity Documents Convention (Revised), 2003*, done at Geneva on 19 June 2003 (ILO Convention 185), provided that this Convention has been ratified and has entered into force for a Party.
2. Each Party may request from another Party samples of the seafarers’ valid identity document and information about the applicable national rules and procedures for the issuing of such documents.
3. For nationals of non-Parties working on board vessels of a Party, the identity documents are those issued by the competent authorities of such non-Parties.

Article 2
Entry of Crew Members into the Territory of Another Party

1. Any person holding the valid identity documents and having adequate travel funds, including persons who do not possess the nationality of one of the Parties, shall be entitled to transit or pass through the territory of another Party for the purposes of repatriation, joining a vessel or other reasons acceptable to the relevant authorities of that other Party, in accordance with the domestic law of that other Party provided re-admission to the territory of the Party which issued the identity documents is guaranteed.
2. In all cases referred to in paragraph 1, a person must obtain the appropriate visa from the other Party. Each Party shall endeavour to facilitate speedy issuance of the visas.

3. When a crew member on board the vessel of the Party holding the valid identity documents disembarks at a port of the other Party for health reasons, purposes of service or for other reasons recognised as valid by the competent authorities, the latter shall give the necessary authorisation for the person concerned to remain in its territory in the event of his or her hospitalisation 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 a Party stays in the territory of another Party, the owner of the vessel or the owner's representative shall be entitled to contact or to meet with the members of the crew of the vessel.
5. The domestic laws and regulations in force in a Party relating to the entry, abode and removal of foreigners shall remain applicable.
6. 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 valid identity documents, that they consider undesirable.
7. A crew member of a vessel of a Party in a port of the other Party, who is in possession of the valid identity documents, may disembark from their vessel and shall, subject to the relevant domestic law in force in the respective 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 on going ashore and returning aboard the vessel.
8. All changes in the crew of a vessel shall be recorded in the ships' documents, with due reference to the date and the reason for such a change and shall be communicated to the port authorities of the Party in whose territory the vessel is staying.

Article 3

Onboard Training of Seafarers

1. Each Party shall regularly exchange with the other Parties available information with respect to seafarers. Such information shall include:
 - (a) list of institutions or entities that provide training and certification of seafarers in its territory;
 - (b) details of the type of trainings and certifications provided by such institutions or entities in its territory;
 - (c) the specific procedure, including details pertaining to examinations, to grant recognition to seafarers of the other Parties;

- (d) details of the number of available slots for onboard training of seafarers of the other Parties.
- 2. Each Party shall facilitate the access to slots on their respective flagged vessels for onboard training of seafarers of the other Parties.
- 3. Each Party shall periodically report to the Joint Committee on progress with respect to the implementation of paragraphs 1 and 2.

Article 4 **Rules on Labour Disputes**

- 1. Any disputes or claims, including claims for torts, arising from or related to the contract of employment or relations between a ship owner of a Party and a crew member of another Party, including wage claims and claims for damages as a result of illness, personal injury or death of a crew member, shall be referred for determination and resolution solely to the exclusive jurisdiction of the competent courts, tribunals or authorities, as the case may be, of the State in which the vessel is registered, or of the State of which the shipowner is a national, or of the State of which the crew member is a national, in accordance with the applicable international conventions to which the respective Parties are parties. The Parties shall provide the appropriate mechanisms for such cases to be heard when raised.
 - 2. Notwithstanding paragraph 1, disputes or claims shall not be referred to determination and resolution in a State not party to the *United Nations Convention on the Law of the Sea*, done at Montego Bay on 10 December 1982 and *Maritime Labour Convention, 2006*, done at Geneva on 23 February 2006.
 - 3. This Article shall not affect the request for a vessel to be arrested in pursuit of claims for which a lien may be placed.
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