

ESTONIE ET SUÈDE

Déclaration concernant la reconnaissance réciproque des certificats de jauge estoniens et suédois et arrangement relatif à la délivrance des lettres de jauge dites à appendice estoniennes conformément aux règlements suédois sur le jaugeage, avec protocole final. Signés à Stockholm, le 23 juin 1928.

ESTONIA AND SWEDEN

Declaration regarding the mutual Recognition of Estonian and Swedish Tonnage Certificates, and Agreement in regard to the Issue of Estonian Tonnage Certificates "with Appendix", in accordance with the Swedish Rules of Ship Measurement, with Final Protocol. Signed at Stockholm, June 23, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 1972. — DECLARATION BY ESTONIA AND SWEDEN REGARDING THE MUTUAL RECOGNITION OF ESTONIAN AND SWEDISH TONNAGE CERTIFICATES. SIGNED AT STOCKHOLM, JUNE 23, 1928.

French official text communicated by the Estonian Minister for Foreign Affairs. The registration of this Declaration took place March 10, 1929.

The undersigned, duly authorised by their respective Governments, have agreed upon the following Declaration regarding the mutual recognition of Estonian and Swedish tonnage certificates issued in accordance with the rules of ship measurement in force in Estonia and in Sweden, namely, in Estonia, the so-called English rules of ship measurement (British system of ship measurement) and in Sweden, the so-called German rules of measurement.

Article 1.

The national tonnage certificates of Swedish ships and the national certificates "with appendix", drawn up in accordance with the British system of ship measurement shall be recognised in Estonia, and the national tonnage certificates of Estonian ships and the national tonnage certificates "with appendix", drawn up in accordance with the Swedish system of ship measurement shall be recognised in Sweden, subject to any exceptions arising out of the stipulations of the present Declaration.

In the present Declaration, the term "national certificates of measurement" shall be understood to mean documents recording ship measurements issued on the basis of measurements carried out according to Rule I by a Swedish or Estonian authority and stating in particular the date of signature and the space under the tonnage deck in cubic metres or in registered tons.

Article 2.

Swedish ships propelled by engine power and furnished only with a national tonnage certificate shall be subject in Estonia only to partial measurement, as provided for in Article 3 in regard to the assessment of net tonnage. The tonnage dues payable in Estonia shall be computed and levied on the basis of the net tonnage thus determined. Nevertheless, if the owner or master of the vessel so requests, the tonnage dues payable in Estonia shall be computed and levied on the basis of the net tonnage entered in the national tonnage certificate.

If a Swedish ship of the above-mentioned type is provided with a national tonnage certificate "with appendix", issued in accordance with the British system of ship measurement, the tonnage dues payable in Estonia shall be computed and levied on the basis of the net tonnage entered in the said certificate.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Approved by the Estonian Assembly of State, November 22, 1928.

Estonian ships propelled by engine power and provided only with a national tonnage certificate shall be subject in Sweden only to partial measurement, as provided for in Article 3 in regard to the assessment of net tonnage. The tonnage dues payable in Sweden shall be computed and levied on the basis of the net tonnage thus determined.

If an Estonian ship of the above-mentioned type is provided with a national tonnage certificate "with appendix" issued in accordance with the Swedish system of ship measurement, the tonnage dues payable in Sweden shall be computed and levied on the basis of the net tonnage entered in the said certificate.

If a Swedish ship not propelled by engine power is provided with a national tonnage certificate, the tonnage dues payable in Estonia shall be computed and levied on the basis of the net tonnage entered in the said certificate.

If an Estonian ship not propelled by engine power is provided with a national tonnage certificate, the tonnage dues payable in Sweden shall be computed and levied on the basis of the net tonnage entered in the said certificate.

Article 3.

The partial measurement under Article 2, paragraphs 1 and 3, of Swedish and Estonian ships propelled by engine power shall include an assessment in accordance with the respective Estonian and Swedish regulations of the gross tonnage of the space over the tonnage deck and of the deduction for the engine room and also for any other space, whether above or below the tonnage deck, which is allowed by Estonia or Sweden, as the case may be, to be deducted for the purpose of the assessment of the net tonnage.

These partial measurements shall be recorded in a special tonnage document, which shall be valid for the same period as the national certificate of measurement to which it is annexed. In order to be taken into consideration, this special document must be presented conjointly with the national tonnage certificate whenever the competent authority so require.

Article 4.

The Estonian tonnage certificates "with appendix" (see Article 2, paragraph 4), issued in accordance with the Swedish system of ship measurement, must also satisfy the conditions set forth in the annexed Agreement.

Article 5.

The measurement of Estonian ships carried out in Sweden by a Swedish authority and the measurement of Swedish ships carried out in Estonia by an Estonian authority shall be subject to the verification survey and, if necessary, to the remeasurement laid down in Sweden and Estonia respectively.

If there is reason to suppose that the particulars contained in a national tonnage certificate or a national tonnage certificate "with appendix" are incorrect, the supreme competent authority in Sweden and Estonia respectively shall be entitled to proceed, to the extent required, to a verification survey or, if necessary, to remeasurement, and to issue a supplementary tonnage document showing the results of such remeasurement.

Article 6.

The costs of measurement and of the verification surveys and remeasurement provided for in Article 5, paragraph 1, shall be calculated and paid in accordance with the regulations in force for similar operations in the country in which the measurement is carried out.

The costs of the verification survey or remeasurement provided for in Article 5, paragraph 2, shall be borne by the country in which these measurements are carried out, provided, however, that if a new tonnage document has to be issued as a result of the remeasurement, the costs shall be borne by the owner or master of the ship on the scale laid down by the regulations of the country in question.

Article 7.

The present Declaration shall come into force three months after the date on which the ratification of the present Declaration by the Riigikogu of Estonia has been notified to the Swedish Government and shall remain in force for a period of three months after its denunciation by either Party.

The previous agreements regarding the mutual recognition of Swedish and Estonian tonnage certificates shall cease to apply as from the date of the entry into force of the present Declaration.

In faith whereof the undersigned have signed the present Declaration and have thereto affixed their seals.

Done in duplicate at Stockholm on June 23, 1928.

FR. AKEL.

ELIEL LÖFGREN.

AGREEMENT

IN REGARD TO THE ISSUE OF ESTONIAN TONNAGE CERTIFICATES " WITH APPENDIX ", IN ACCORDANCE WITH THE SWEDISH RULES OF SHIP MEASUREMENT.

The undersigned Plenipotentiaries, in view of Article 4 of the Declaration signed this day between Estonia and Sweden regarding the mutual recognition of Estonian and Swedish tonnage certificates, have agreed that Estonian tonnage certificates " with appendix ", issued in conformity with the Swedish system of ship measurement must, in order to be recognised in Sweden, satisfy the following conditions :

Article 1.

The tonnage certificate " with appendix " shall be drawn up in accordance with Rule I. It shall be valid for the same period as the national tonnage certificate to which it relates and will not be taken into consideration unless presented conjointly with the latter certificate whenever the competent authority so requires. It must reproduce the particulars given in the national certificate in regard to gross and net tonnage, main cubic capacity and its date of issue.

The tonnage certificate " with appendix " shall be issued by the supreme competent authority in Estonia in accordance with a form to be decided upon direct by the competent authorities of the two Parties.

Article 2.

The main cubic capacity entered in the tonnage certificate " with appendix " may be the tonnage shown on the national tonnage certificate or may be measured and calculated in accordance with Swedish rules of ship measurement. In the latter case, the tonnage certificate " with appendix " shall also indicate the method of calculating the said capacity.

Article 3.

The space above the tonnage deck shall be measured and calculated in accordance with the Swedish rules of ship measurement and the cubic capacity shall be stated in the tonnage certificate "with appendix".

Nevertheless, the following spaces not included in the gross tonnage according to the Estonian rules of ship measurement shall likewise be excluded when calculating the gross tonnage to be entered in the tonnage certificate "with appendix": spaces used exclusively for auxiliary engines or boilers, the space used for the steering apparatus, the wheelhouse, the galleys and bakehouse, the condenser rooms and the latrines.

Article 4.

The number of tons indicated in the national tonnage certificate shall be taken as the total tonnage to be deducted in respect of the following spaces: quarters intended exclusively for the use of the master, officers and crew, the chart, signal and navigating room, the boatswain's store and any water ballast tanks not situated in the double bottom.

A deduction may also be made in respect of the actual cubic capacity of the boatswain's store in excess of the capacity shown in the national tonnage certificate.

Article 5.

The deduction allowable in respect of engine-room space shall be measured and calculated according to the Swedish rules of ship measurement.

The only space which may be regarded as constituting permanent fuel bunkers is that assigned and used exclusively for the storage of fuel required for the ship's engines, provided that it is either directly connected with the spaces occupied by the engines by means of sliding doors or other openings, or by means of pipes, or is situated immediately above one of those spaces or the fuel bunkers directly connected with one of them.

Fuel bunkers separated from the hold by movable bulkheads only or having bulkheads with one or more openings, or one or more deck hatches which cannot be regarded as intended exclusively for coaling, shall not be included in the space deducted in respect of the engine-room.

The surveyor shall require the owner or the master of the ship to sign a statement, which shall be attached to the tonnage certificate "with appendix", certifying that the space for fuel bunkers for which a deduction may be made will be used during voyages to or from Sweden exclusively for the storage of fuel intended for the ship's engines. If the owner or master omits to sign this statement, the space in question shall not be deducted as engine-room space.

The tonnage certificate "with appendix" shall indicate the position, length and cubic capacity of each of the fuel bunkers which are not situated in the engine-room but which are included in the space deducted in respect of the engine-room.

In faith whereof the undersigned have signed the present Agreement and have thereto affixed their seals.

Done in duplicate at Stockholm on June 23, 1928.

FR. AKEL.

ELIEL LÖFGREN.

FINAL PROTOCOL.

On proceeding to sign the Declaration of to-day's date regarding the mutual recognition of Estonian and Swedish tonnage measurement certificates, the Government of the Estonian Republic and the Government of His Majesty the King of Sweden have deemed it expedient to define more exactly the following points :

The provisions of Article 2, paragraph 2, of the present Declaration shall also be applicable to tonnage certificates " with appendix " issued in Sweden, in conformity with the British system of ship measurement, prior to the entry into force of the Declaration.

If a Swedish ship arrives in an Estonian port bearing only a provisional certificate (*Interimsnationalitets-och registreringscertifikat* or *Interimsnationalitetscertifikat*) certifying the tonnage on which the ship is taxable according to the Swedish or foreign system of ship measurement, this information in the provisional certificate will be accepted in Estonia until the validity of the certificate expires, notwithstanding the fact that the ship has not been measured by a competent Swedish authority.

If an Estonian ship arrives in a Swedish port bearing only a provisional certificate (*Ajutine liputunnistus*), the information given in the said certificate regarding the main cubic capacity in the case of vessels propelled by engine power, and also the net tonnage, in the case of vessels not propelled by engine power, shall be accepted in Sweden until the validity of the provisional certificate expires, notwithstanding the fact that the ship has not been measured by a competent Estonian authority.

The term " supreme competent authority " employed in Article 5, paragraph 2, of the present Declaration shall be understood to mean, in Estonia, the General Directorate of Shipping, and in Sweden, the *Kungl. Kommerskollegium* (Royal Board of Trade). Any change which may be made in this respect in either country shall be immediately brought to the notice of the Government of the other country through the diplomatic channel.

The competent authority in Estonia referred to in Article 1, paragraph 2, of the Agreement in regard to the issue of Estonian tonnage certificates " with appendix " shall be understood to mean the Ministry of Communications.

Tonnage certificates " with appendix " issued in Sweden in conformity with the British system of ship measurement and recognised in Estonia in virtue of the present Declaration shall be valid for the same period as national tonnage certificates relating to the same vessels. In order to be taken into consideration they must be presented conjointly with the latter certificates whenever the competent authority so requires.

In faith whereof the respective Plenipotentiaries have signed the present Protocol as an integral part of the above-mentioned Declaration, and have thereto affixed their seals.

Done in duplicate at Stockholm on June 23, 1928.

Fr. AKEL.

ElieL LÖFGREN.