

N° 3771.

ALLEMAGNE
ET GRANDE-BRETAGNE
ET IRLANDE DU NORD

Echange de notes comportant un accord relatif à la reconnaissance réciproque des certificats de franc-bord. Berlin, le 7 juin 1935.

GERMANY
AND GREAT BRITAIN
AND NORTHERN IRELAND

Exchange of Notes constituting an Agreement for the Reciprocal Recognition of Load Line Certificates. Berlin, June 7th, 1935.

No. 3771. — EXCHANGE OF NOTES BETWEEN THE GERMAN GOVERNMENT AND HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM CONSTITUTING AN AGREEMENT¹ FOR THE RECIPROCAL RECOGNITION OF LOAD LINE CERTIFICATES. BERLIN, JUNE 7TH, 1935.

N^o 3771. — NOTENWECHSEL ZWISCHEN DER DEUTSCHEN REGIERUNG UND DER REGIERUNG SR. MAJESTÄT IM VEREINIGTEN KÖNIGREICH BETREFFEND EINE VEREINBARUNG¹ ÜBER DIE GEGENSEITIGE ANERKENNUNG DER BEIDERSEITIGEN FREIBORDZEUGNISSE. BERLIN, DEN 7. JUNI 1935.

English and German official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Exchange of Notes took place November 20th, 1935.

Textes officiels anglais et allemand communiqués par le Secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cet échange de notes a eu lieu le 20 novembre 1935.

I.

SIR ERIC PHIPPS TO BARON VON NEURATH.

BRITISH EMBASSY.

BERLIN, June 7th, 1935.

YOUR EXCELLENCY,

I have the honour to inform you that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, being desirous of concluding with the Government of the German Reich an arrangement for the mutual recognition of the load line certificates which have been or may be issued to ships to which the International Convention² respecting Load Lines, 1930, does not apply (hereinafter referred to as non-Convention ships), are willing to conclude an Agreement in the following terms :

(1) The German Government, being satisfied that provision has been made by the Government of the United Kingdom for the application of the provisions of the International Load Line Convention to non-Convention ships, agree that the load line certificates issued by or under the authority of the Government of the United Kingdom to British non-Convention ships certifying that the load lines shown on the certificates have been assigned in accordance with the provisions of the Merchant Shipping (Safety and Load

¹ Came into force June 7th, 1935.

² Vol. CXXXV, page 301 ; Vol. CXLII, page 392 ; Vol. CXLVII, page 354 ; Vol. CLII, page 313 ; Vol. CLVI, page 256 ; and Vol. CLX, page 417, of this Series.

¹ Entré en vigueur le 7 juin 1935.

² Vol. CXXXV, page 301 ; vol. CXLII, page 392 ; vol. CXLVII, page 354 ; vol. CLII, page 313 ; vol. CLVI, page 256 ; et vol. CLX, page 417, de ce recueil.

Line Conventions) Act, 1932, shall have the same effect in German ports as the load line certificates issued by or under the authority of the German Government.

(2) The Government of the United Kingdom, being satisfied that provision has been made by the German Government for the application of the provisions of the International Load Line Convention to non-Convention ships, similarly agree that the certificates issued by or under the authority of the German Government to German non-Convention ships certifying that the load lines shown on the certificates have been assigned in accordance with the provisions of the Regulation regarding the load lines of merchant vessels of the 25th December, 1932 (R.G.B., 1932, Part II, page 278), shall, in the ports of the United Kingdom, or of any British Colony or Protectorate, or of any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom, have the same effect as the load line certificates issued by or under the authority of the Government of the United Kingdom.

(3) The present Agreement may be extended by the Government of the United Kingdom by means of a notification in writing given through the diplomatic channel :

(a) To any British Colony or Protectorate ;

(b) To any mandated territory in respect of which the mandate is exercised by the Government of the United Kingdom ;

in which provision is made for the application of the provisions of the International Load Line Convention to non-Convention ships and for the issue of certificates attesting such application, and upon such notification being given, such load line certificates issued to British non-Convention ships by or under the authority of the Government of a territory to which the present Agreement has been extended shall have the same effect in German ports as the load line certificates issued by or under the authority of the German Government.

The present Agreement may also, by means of a notification in writing given through the diplomatic channel, be extended to Newfoundland if provision is made by the Government of Newfoundland for the application of the provisions of the International Load Line Convention to non-Convention ships and for the issue of certificates attesting such application, and upon such notification being given, such load line certificates issued by or under the authority of the Government of Newfoundland to British non-Convention ships shall have the same effect in German ports as the load line certificates issued by or under the authority of the German Government, and the present Agreement shall extend to the ports of Newfoundland.

Either Contracting Government may, upon giving six months' notice to that effect, terminate the application of the Agreement separately in respect of any territory to which it has been extended under this Article.

(4) From the date of the coming into force of the present Agreement, the Agreement respecting load lines embodied in the notes exchanged in London on the 18th August and the 25th November, 1908, is hereby terminated.

(5) The Government of the United Kingdom and the Government of the German Reich agree to take all such steps as may be necessary under the laws of their respective countries for the purpose of giving the force of law to the recognition required by this Agreement to be given to German and United Kingdom load line certificates respectively.

2. If the German Government are likewise willing to enter into an agreement in the foregoing terms, I have the honour to suggest that the present note and your Excellency's reply in similar terms be regarded as constituting a formal Agreement between the two Governments, which shall take effect from this day and which shall be terminable by either Government by means of a six months' notice to this effect given through the diplomatic channel.

I avail, etc.

ERIC PHIPPS.

Dieses Abkommen kann mittels einer auf diplomatischem Wege erfolgenden schriftlichen Mitteilung auch auf Neufundland ausgedehnt werden, wenn die Regierung von Neufundland Vorkehrung dafür trifft, dass die Bestimmungen des Internationalen Freibordübereinkommens auf Nichtvertragsschiffe angewandt und Zeugnisse ausgestellt werden, die diese Anwendung beurkunden. Nachdem diese Mitteilung erfolgt ist, haben solche durch die Regierung von Neufundland oder mit deren Ermächtigung britischen Nichtvertragsschiffen ausgestellten Freibordzeugnisse in Deutschen Häfen die gleiche Rechtswirkung wie die Freibordzeugnisse, die durch die Deutsche Regierung oder mit deren Ermächtigung ausgestellt werden, und gilt dieses Abkommen für die Häfen von Neufundland.

Jede der vertragschliessenden Regierungen kann die Gültigkeit des Abkommens für jedes einzelne Gebiet, auf das es gemäss diesem Artikel ausgedehnt worden ist, unter Einhaltung einer sechsmonatigen Kündigungsfrist beenden.

(4) Mit dem Zeitpunkt des Inkrafttretens dieses Abkommens kommen die Vorschriften des Abkommens über den Freibord, das Gegenstand der am 18. August und 25. November 1908 in London gewechselten Noten war, ausser Anwendung.

(5) Die Reichsregierung und die Regierung des Vereinigten Königreichs kommen überein, alle Massnahmen zu treffen, die nach den Gesetzen ihrer Länder zu dem Zwecke getroffen werden müssen, der Zulassung deutscher Freibordzeugnisse und solcher des Vereinigten Königreichs, wie sie dieses Abkommen vorsieht, Rechtskraft zu verleihen."

Die Reichsregierung betrachtet das Abkommen als durch den vorliegenden Notenwechsel abgeschlossen.

Sie ist einverstanden damit, dass es mit dem Tage dieses Notenwechsels in Kraft tritt, und dass jede der vertragschliessenden Regierungen das Recht haben soll, das Abkommen unter Einhaltung einer sechsmonatigen Kündigungsfrist auf diplomatischem Wege zu kündigen.

Ich benutze, &c.

G. KÖPKE.

¹ TRADUCTION. — TRANSLATION.

MINISTRY
FOR FOREIGN AFFAIRS.

BERLIN, *June 7th*, 1935.

YOUR EXCELLENCY,

In acknowledging the receipt of your kind communication of the 7th June, according to which the Government of the United Kingdom of Great Britain and Northern Ireland is anxious to conclude with the Government of the German Reich an arrangement for the mutual recognition of the load line certificates which have been or may be issued to ships to which the International Convention respecting Load Lines of 1930 does not apply (hereinafter referred to as "non-Convention ships"), I have the honour to inform your Excellency that the Government of the Reich are also ready to conclude such an Agreement in the following terms :

(As in No. I, page 294.)

The German Government regards the Agreement as concluded by means of this exchange of notes.

The German Government agrees that it comes into force on the date of this exchange of notes, and that each of the Contracting Parties shall have the right to terminate the Agreement by means of a six months' notice through the diplomatic channel.

I avail, etc.

G. KÖPKE.

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

¹ TRADUCTION. — TRANSLATION.

N^o 3771. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT ALLEMAND ET LE GOUVERNEMENT DE SA MAJESTÉ DANS LE ROYAUME-UNI COMPORTANT UN ACCORD RELATIF A LA RECONNAISSANCE RÉCIPROQUE DES CERTIFICATS DE FRANC-BORD. BERLIN, LE 7 JUIN 1935.

I.

SIR ERIC PHIPPS AU BARON VON NEURATH.

AMBASSADE DE GRANDE-BRETAGNE.

BERLIN, le 7 juin 1935.

MONSIEUR LE MINISTRE,

J'ai l'honneur de porter à votre connaissance que le Gouvernement de Sa Majesté dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, désireux de conclure avec le Gouvernement du Reich allemand un accord en vue de la reconnaissance mutuelle des certificats de franc-bord qui ont été ou pourront être délivrés aux navires auxquels la Convention internationale de 1930 sur les lignes de charge ne s'applique pas (ci-après désignés sous l'appellation « navires non visés par la Convention »), est disposé à conclure un accord conçu comme suit :

1^o Le Gouvernement allemand, s'étant assuré que le Gouvernement du Royaume-Uni a pris les dispositions nécessaires pour appliquer les stipulations de la Convention internationale sur les lignes de charge aux navires non visés par la Convention, convient que les certificats de franc-bord délivrés par le Gouvernement du Royaume-Uni ou avec son autorisation à des navires britanniques non visés par la Convention, et attestant que les lignes de charge figurant sur les certificats ont été attribuées conformément aux dispositions de la loi dite « Merchant Shipping (Safety and Load Line Conventions) Act, 1932 », auront, dans les ports allemands, les mêmes effets, que les certificats de franc-bord délivrés par le Gouvernement allemand ou avec son autorisation.

2^o Le Gouvernement du Royaume-Uni, s'étant assuré que le Gouvernement allemand a pris les dispositions nécessaires pour appliquer les stipulations de la Convention internationale sur les lignes de charge aux navires non visés par la Convention, convient également que les certificats délivrés par le Gouvernement allemand ou avec son autorisation à des navires allemands non visés par la Convention, et attestant que les lignes de charge figurant sur les certificats ont été attribuées conformément aux dispositions du Règlement du 25 décembre 1932 concernant les lignes de charge des navires marchands (R.G.B., 1932, Partie II, page 278), auront, dans les ports du Royaume-Uni, de toute colonie ou de tout protectorat britannique, ou de tout territoire sous mandat pour lequel le mandat est exercé par le Gouvernement du Royaume-Uni, les mêmes effets que les certificats de franc-bord délivrés par le Gouvernement du Royaume-Uni ou avec son autorisation.

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.