

N° 2873.

ESTONIE ET FINLANDE

Déclaration concernant la reconnaissance réciproque des certificats de jaugeage des navires finlandais et estoniens, avec protocole de signature. Signés à Helsinki, le 17 juillet 1931.

ESTONIA AND FINLAND

Declaration regarding the reciprocal Recognition of Tonnage Measurement Certificates of Finnish and Estonian Ships, with Protocol of Signature. Signed at Helsinki, July 17, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 2873. — DECLARATION² BETWEEN FINLAND AND ESTONIA REGARDING THE RECIPROCAL RECOGNITION OF TONNAGE MEASUREMENT CERTIFICATES OF FINNISH AND ESTONIAN SHIPS. SIGNED AT HELSINKI, JULY 17, 1931.

French official text communicated by the Finnish Minister for Foreign Affairs. The registration of this Declaration took place January 12, 1932.

The undersigned, being duly authorised by their respective Governments, have agreed upon the following Declaration concerning the reciprocal recognition of tonnage measurement certificates of Finnish and Estonian ships delivered in accordance with the tonnage measurement regulations at present in force in Finland and Estonia.

Article 1.

No Finnish ship having a Finnish tonnage measurement certificate shall for the purpose of ascertaining her tonnage be remeasured in whole in Estonian ports, nor any Estonian ship likewise having an Estonian tonnage measurement certificate in Finnish ports, except when so requested by the owner or master of the ship.

In the same way no ship having a provisional national certificate but not holding a tonnage certificate shall in the ports of the other party be remeasured in whole for the purpose of ascertaining her tonnage, where the ship is in possession of a tonnage certificate delivered by the authorities of a third country, and where in pursuance of an agreement between the countries in question such certificate would be recognised if the ship were flying the flag of such third country without a total remeasurement.

Ships having no such certificate of tonnage shall be measured under the rules of the country where the ship's dues are to be paid.

Article 2.

The Finnish and Estonian rules of measurement not being in full accord, the assessable tonnage shall be ascertained by partial remeasurement in accordance with the detailed instructions given below.

I. ESTONIAN SHIPS PROPELLED BY ENGINE POWER.

Ships having an Estonian certificate of measurement shall in Finnish ports be exempt from all partial remeasurement or recalculation.

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 Came into force October 17, 1931.

If there are on such ships spaces which have not been included in the gross tonnage, but which according to the Finnish rules as to the measurements of ships are to be included therein, such spaces shall be measured and added to the said tonnage ; if however the size of the space in question has been given in the Estonian certificate of measurement, only the recalculation of the space shall be made.

The allowance for propelling power shall in the case next above mentioned be fixed at 32 % of the gross tonnage of the ship (Finnish measurement), provided the total cubical contents of the space entitling to allowance for propelling power are greater than 13 % and less than 20 % of the gross tonnage of the ship ; but in other cases, at the cubic contents of the spaces entitling to allowance for propelling power with addition of 75 % thereof. For paddle boats the allowance for propelling power shall be fixed at 37 % of the gross tonnage of the ship (Finnish measurement), provided the total cubical contents of the spaces entitling to allowance for propelling power are greater than 20 % and less than 30 % of the gross tonnage of the ship ; but in other cases, at the cubic contents of the spaces entitling to allowance for propelling power with addition of 50 % thereof. In no case however, shall the allowance be more than 55 % of the tonnage remaining when from the gross tonnage has been deducted the cubical contents of the spaces belonging to this tonnage, which spaces, except that of the allowance for propelling power, are not included in the net tonnage.

The dues to be calculated on the basis of net tonnage shall in the cases mentioned in paragraph 1, be calculated on the basis of the assessable tonnage as it appears upon the Estonian certificate of measurement and in other cases on the basis of the assessable tonnage which is established by the afore-mentioned remeasurement or recalculation.

II. FINNISH SHIPS PROPELLED BY ENGINE POWER.

Ships having a Finnish certificate of measurement shall in Estonian ports be exempt from remeasurement and recalculation.

If there is on such ships space which, according to the Estonian rules as to the measurement of ships, is included in the gross tonnage of the ship, but, according to the Finnish rules as to the measurement of ships, does not need to be included therein, such space shall be measured and added to the said tonnage. If, however, the size of the space in question has been given in the Finnish certificate of measurement, only recalculation of the said space shall be made.

The dues to be calculated on the basis of net tonnage shall in the cases mentioned in paragraph 1 be calculated on the basis of the assessable tonnage as it appears upon the Finnish certificate of measurement, and, in other cases, on the basis of the assessable tonnage fixed by the remeasurement or recalculation mentioned above.

III. SHIPS NOT PROPELLED BY ENGINE POWER.

No ship having a national certificate of measurement shall be remeasured or recalculated in part.

The dues payable on the basis of net tonnage shall, in such cases, be calculated on the basis of the assessable tonnage as it appears upon the national certificate of measurement.

Article 3.

The partial remeasurement for the calculation of increase or deduction, to which Article 2 relates, applies only to space, in regard to the measurement of which the Estonian and Finnish rules of measurement are not in accord.

The expenses for measurement in whole, partial remeasurement and re-calculation shall be calculated according to the instructions as to such measurement or calculation which are in force in the country where the measurement or calculation is effected.

Article 4.

Should the partial remeasurement or recalculation disclose that no statement as to the contents of the spaces in question has been made or that the measurement has not been effected in accordance with the rules of measurement at the time in force, the assessable tonnage shall be corrected without delay, and in respect of Finnish ships the Estonian Director of Navigation, and in respect of Estonian ships the Bureau of Ships of the Finnish Director of Navigation shall be promptly notified.

Article 5.

At the request, made by the owner or master of a ship, measurement in whole, partial remeasurement or recalculation may be effected independently of the provisions of this Declaration, in which case the expenses therefor shall be borne by the owner or master.

Article 6.

The present Declaration shall come into force three months after its signature. It shall remain in force until the expiration of a period of twelve months from the day of its denunciation by one of the Parties.

In witness whereof the undersigned have duly signed the present Declaration and have affixed thereon their seals.

Done in duplicate in French at Helsinki July 17, 1931.

(L. S.) A. S. YRJÖ-KOSKINEN.

(L. S.) Hans REBANE.

PROTOCOL OF SIGNATURE.

At the moment of signing the Declaration of to-day's date concerning the reciprocal recognition of tonnage measurement certificates of Finnish and Estonian ships, the undersigned being duly authorised to that effect have agreed as follows :

Whereas in accordance with the provisions of the Treaty¹ of Commerce and Navigation between Finland and Estonia dated April 11, 1931, the stowage capacity of an Estonian ship may be taken as a basis for calculating the entry dues payable on its cargo of potatoes, the owner or master of the ship shall, if such cargo does not fill the entire hold and if this circumstance prevents the weight of the cargo being assessed solely on the tonnage measurement certificate or other ship's papers, be entitled to have the assessment carried out by a sworn and duly qualified tonnage measurement assessor appointed in Finland to undertake such measurements.

The cost of such measurement shall be borne by the master or captain.

Done in duplicate in French at Helsinki, July 17, 1931.

A. S. YRJÖ-KOSKINEN.

Hans REBANE.

¹ Vol. CXXIV, page 217, of this Series.