

No. 5173

NORWAY
and
UNION OF SOVIET SOCIALIST REPUBLICS

Agreement concerning the handling of claims in connection with damage to fishing gear. Signed at Moscow, on 9 December 1959

Official texts: Norwegian and Russian.

Registered by Norway on 14 June 1960.

NORVÈGE
et
**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

Accord concernant la procédure de règlement des réclamations pour dommages causés au matériel de pêche. Signé à Moscou, le 9 décembre 1959

Textes officiels norvégien et russe.

Enregistré par la Norvège le 14 juin 1960.

[TRANSLATION¹ — TRADUCTION²]

No. 5173. AGREEMENT³ BETWEEN THE NORWEGIAN GOVERNMENT AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING THE HANDLING OF CLAIMS IN CONNECTION WITH DAMAGE TO FISHING GEAR. SIGNED AT MOSCOW, ON 9 DECEMBER 1959

The Norwegian Government and the Government of the Union of Soviet Socialist Republics, desirous of strengthening the friendly relations between the two countries and of facilitating the handling of claims advanced by owners of fishing vessels and fishing gear in one of the two countries against owners of fishing vessels or fishing gear in the other country, in connection with damage to fishing gear on the high seas, have agreed as follows :

Article 1

There shall be established one Board in Moscow and one in Oslo to deal with the above-mentioned claims.

Each Board will consist of two members, of whom one will be appointed by the Government of the Soviet Union, the other by the Government of Norway. The Contracting Parties will inform each other of the names of the persons they appoint as members of the two Boards.

Claims for damages will be handled by the Board in the country where the defendant is domiciled.

Article 2

Claims for damages advanced by a Soviet owner of a fishing vessel or fishing gear shall, together with the necessary documents, be transmitted to the Soviet member of the Board in Moscow. Claims for damages advanced by a Norwegian owner of a fishing vessel or fishing gear shall, together with the necessary documents, be transmitted to the Norwegian member of the Board in Oslo.

The Board member who has received a claim for damages shall as soon as possible transmit the claim with all annexed documents to the Board in the country where the defendant is domiciled. If, however, the said Board member deems it expedient to

¹ Translation provided by the Government of Norway.

² Traduction transmise par le Gouvernement norvégien.

³ Came into force on 1 January 1960, in accordance with article 10.

have the received material supplemented, he may, for this purpose, approach the plaintiff as well as the competent local authorities.

Article 3

When the appropriate Board has received a claim for damages it shall, without delay, communicate directly with the defendant and, if necessary, with the plaintiff and with the competent local authorities in the two countries, request the remittance of documents and material concerning the incident and enquire thoroughly into the matter.

Any counterclaim for damages shall be handled by the same Board at the same time as the main claim and in the same manner.

When the enquiries in the matter have been completed the Board shall approach the plaintiff and the defendant and try to bring about an agreed settlement.

Article 4

If it proves impossible to bring about an agreed settlement, the Board shall, after careful investigation of the circumstances of the case, prepare a report, stating :

- a) the extent of the damage caused,
- b) the degree of the plaintiff's and the defendant's fault.

Furthermore, the report shall contain a conclusion which, when necessary, will state the amount of the compensation due.

If the Board has not arrived at a unanimous conclusion, this shall be stated in the report, along with a detailed account of each Board-member's opinion.

Article 5

The Board shall transmit its report to the plaintiff and to the defendant. If the Board is of the opinion that one of the parties to the dispute should pay compensation, the Board shall address a recommendation to that effect to the party concerned.

Article 6

If the Board has not arrived at a unanimous conclusion, or if one of the parties to the dispute refuses to accept the Board's conclusion, the Board shall approach the plaintiff and the defendant and propose that they agree to have the dispute settled by arbitration ; by the Maritime Arbitration Commission in Moscow if the defendant is a Soviet owner of a fishing vessel or fishing gear, or by arbitration in Norway if the defendant is a Norwegian owner of a fishing vessel or fishing gear.

Article 7

The two Governments shall endeavour to ensure that owners of fishing vessels and fishing gear in their countries are acquainted with the arrangement brought into effect pursuant to this agreement and that they make use of it.

Nothing in this agreement affects the regulations prevailing in both countries concerning judicial proceedings and the plaintiff's and the defendant's rights with respect to court trial of property disputes.

Article 8

The two Boards shall, as soon as possible after the end of each calendar year, send to the two Governments a short report concerning the compensation cases which they have handled and of results which have been obtained.

Article 9

The two Governments shall ensure that no hindrance will prevent a swift transfer from the one country to the other country of sums which have been paid as compensation for damage to fishing gear.

Article 10

This agreement enters into force on the 1st of January, 1960, and shall expire six months from the date when one of the Contracting Parties shall have given notice of its denunciation.

DONE in Moscow on the 9th day of December, 1959, in two copies, each in Norwegian and Russian, both languages being equally authentic.

For the Norwegian Government :

For the Government of the Union
of Soviet Socialist Republics :

(Signed) O. C. GUNDERSEN

(Signed) A. A. ISJKOV