

No. 5209

**CZECHOSLOVAKIA
and
GERMAN DEMOCRATIC REPUBLIC**

**Agreement (with annexed Regulations) concerning uniform
customs sealing regulations for shipping on the Elbe.
Signed at Prague, on 18 September 1959**

Official texts : Czech and German.

Registered by Czechoslovakia on 30 June 1960.

**TCHÉCOSLOVAQUIE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord (avec Règlement en annexe) portant règlement
uniforme d'apposition des plombs de douane sur les
bateaux de l'Elbe. Signé à Prague, le 18 septembre
1959**

Textes officiels tchèque et allemand.

Enregistré par la Tchécoslovaquie le 30 juin 1960.

[TRANSLATION — TRADUCTION]

No. 5209. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC CONCERNING UNIFORM CUSTOMS SEALING REGULATIONS FOR SHIPPING ON THE ELBE. SIGNED AT PRAGUE, ON 18 SEPTEMBER 1959

The Government of the Czechoslovak Republic and the Government of the German Democratic Republic, desirous of furthering international trade and of facilitating navigation on the river Elbe, have decided to conclude an Agreement concerning uniform customs sealing regulations for shipping on the Elbe.

For that purpose, they have appointed as their plenipotentiaries :

The Government of the Czechoslovak Republic :

Mr. Stanislav Saur, Director of the Central Customs Administration ;

The Government of the German Democratic Republic :

Mr. Anton Ruh, Director of the Office of Customs and Trade Control,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

Customs clearance of vessels under customs seal on the river Elbe, its tributaries and connecting waterways in the territories of the Contracting Parties shall be subject to the annexed Uniform Customs Sealing Regulations for Shipping on the Elbe² (hereinafter referred to as the "Sealing Regulations"), which shall form an integral part of this Agreement.

Article 2

Certificates concerning the suitability of a vessel for customs sealing and permits to shipping undertakings for the conveyance of goods under customs seal (hereinafter referred to, respectively, as "certificates" and "permits") which are issued by the customs authorities of one Contracting Party in accordance with the provisions of the Sealing Regulations shall be recognized by the customs authorities of the other Party, without prejudice to the provisions of article 25 of the Sealing Regulations.

¹ Came into force on 5 May 1960, the date of the exchange of notes confirming its ratification, in accordance with article 7.

² See p. 314 of this volume.

Article 3

The withdrawal of a certificate or permit by the customs authorities of one Contracting Party shall be recognized by the customs authorities of the other Party.

Article 4

The central customs administrations of the Contracting Parties shall inform each other of the customs authorities by which certificates and permits may be issued or withdrawn.

Article 5

Such changes in the Sealing Regulations as may become necessary in carrying out the Agreement shall be mutually agreed upon by the central customs administrations of the Contracting Parties.

Article 6

Other States may accede to this Agreement if their vessels are authorized by treaty provisions to navigate the river Elbe within the territories of the Contracting Parties, and if the Contracting Parties agree to such accession.

The declaration of accession shall be notified to each of the Contracting Parties in the form of a note.

The Agreement shall come into force for the acceding State on the date on which the Contracting Parties make known their agreement to the accession.

Article 7

This Agreement shall be subject to ratification in accordance with the internal provisions of the Contracting Parties and shall come into force on the date of the exchange of notes confirming such ratification.

Each Contracting Party may terminate the Agreement, subject to six months' notice in writing ; if the Agreement is terminated by one of the signatory Parties, it shall cease to be in force upon the expiry of the period of notice.

DONE at Prague on 18 September 1959 in duplicate, in the Czech and German languages, both texts being equally authentic.

For the Government
of the Czechoslovak Republic :
(Signed) SAUR

For the Government
of the German Democratic Republic :
(Signed) RUH

UNIFORM CUSTOMS SEALING REGULATIONS FOR SHIPPING ON THE ELBE

Article 1

(1) Any person wishing to convey goods under customs seal on the river Elbe, its tributaries and connecting waterways shall be in possession of the following documents :

- (a) A certificate concerning the suitability of the vessel for customs sealing (hereinafter referred to as the "certificate", see specimen A¹) ;
- (b) A permit in the name of the shipping undertaking for the conveyance of goods under customs seal (hereinafter referred to as the "permit", see specimen B²).

(2) Clearance under customs seal may be granted only to vessels which are intended for the conveyance of goods and which, as regards construction and sealing installations, comply with the provisions of articles 2 to 16 of these Regulations.

I. GENERAL PROVISIONS

Article 2

Vessels may not have secret compartments nor any entrances which are not immediately visible from the exterior. The parts of the outer sides of a vessel must be so joined together (jointed, riveted, welded, screwed or the like) that they cannot be removed without leaving visible traces.

Article 3

(1) The walls or partitions dividing the sealed compartments from one another and from the other compartments of the vessel shall be made of sheet metal, the individual sheets of which shall be so joined together and to the hull of the vessel that they cannot be detached from one another or from the hull without leaving visible traces. Spare compartments and spaces in which movable masts are fitted (mast trunks) shall be divided from the sealed compartments by similar sheet-metal walls. Doors and other openings leading directly from the cabins into the sealed compartments shall not be permitted.

(2) In wooden vessels, the walls or partitions mentioned in paragraph (1) may also be made of timber planks, which shall be of the same height as the hull of the vessel and be firmly fixed thereto. Each plank shall be firmly fixed to the framework of the partitions in such a way that removal of the planks is impossible without leaving visible traces.

Article 4

(1) Staples, rings, nails, rivets, clips, screws, bolts and the like, on the exterior of the vessel, shall be so secured (bent over, riveted, screwed, welded or the like) that their removal from outside is not possible without leaving visible traces.

(2) The use of hinges shall so far as possible be avoided. The hinge-bolts shall be welded to the outer sides of the hinge-frame. Only the middle section of the hinge may

¹ See p. 328 of this volume.

² See p. 330 of this volume.

be turnable and shall also be welded. Hinge-bolts may not be merely riveted or screwed at the ends.

(3) Such steel parts of the sealing installations as bars, rings, staples, hinges and the like may, for protection against rust, be coated only with a transparent preservative.

(4) The sealing bars shall be drawn or forged from one piece of bar iron bent at one end into a sufficiently large ring and provided at the other end with a notch for the sealing pin.

Article 5

(1) Pumps, cranes, ventilation tubes, piping, skylights, gratings and the like in the sealed compartments, on their walls or on the deck shall be so secured that the seals will remain intact and that these fixtures cannot be removed without leaving visible traces.

(2) Removable pumps and cranes shall be separated from the sealed compartments by a fixed partition, which shall be installed in conformity with the provisions of article 3 of these Regulations.

II. SPECIAL PROVISIONS

A. VESSELS WITH FIXED DECKS

Article 6

(1) The deck shall be so screwed, bolted, riveted, welded or otherwise firmly fixed to the hull of the vessel that entry to the sealed compartments is not possible without leaving visible traces. The joints between the deck and the hull may be situated only inside the sealed compartments; the screwing, riveting, bolting and the like shall be done in the manner prescribed in article 4 of these Regulations. Welding of the deck to the hull may, however, also be done from the exterior.

(2) There shall be no means of entry to the sealed compartments from the deck except through the hatchways. The deck shall form with the sides of the vessel one continuous whole, which shall be firmly fixed to the interior carlings and partitions by nails, rivets, screws, welding or the like.

Article 7

(1) The hatches leading to the sealed compartments shall have fixed built-in frames and be capable of being closed by covers or doors. If the covers and doors are of metal, they shall be made from one piece of strong sheet-metal or, if necessary, from several pieces joined together by riveting, welding or the like. If they are of wood, the planks shall be so joined together on the inside that individual planks cannot be removed without leaving visible traces.

(2) When vessels are carrying goods which require constant ventilation, the hatches may be closed with grills of wire-netting or perforated sheet-metal in wooden or iron frames, instead of with covers or doors. The wires of the wire-netting shall be at least

2 mm thick and not more than 25 mm apart. The perforations in the sheet-metal shall not exceed 25 mm in diameter. The wire-netting or perforated sheet-metal shall be so joined to the frame that it cannot be removed without leaving visible traces.

Article 8

(1) The sealing installations for the hatches shall be so constructed that the hatch covers or doors cannot be bent, lifted or pushed aside without leaving visible traces.

(2) The hatch frames and the hatch covers or doors shall be fitted with rings, or with hasps and rings, through which steel sealing rods or cables can be pushed or drawn.

(3) Where several adjacent hatch covers are to be sealed, at least two sufficiently strong steel rods shall be used and shall be fastened to the hatch frames in the manner specified in paragraph (2).

Article 9

(1) In tankers, the individual tank compartments may be connected with one another. Openings leading to the tank compartments (hatches, manholes and the like) shall be closed with steel covers and shall be such that they can be sealed in the manner specified in article 8 of these Regulations. The pipes leading to the tanks shall be so installed that their purpose and layout can easily be recognized. The cocks, valves, slides, flanges and the like shall be so designed that customs seals can be affixed thereto.

(2) All pipes, together with their couplings, valves and flanges, shall be made of hard metal or equivalent synthetic materials.

B. VESSELS WITH REMOVABLE OR SLIDING DECKS

(a) Vessels with covering boards

Article 10

(1) The planks of the removable deck shall be of the same length as the planks of the side fixture and shall be fitted on the inside with a batten to prevent the sliding of the planks on the deck rafters. Each plank shall overlap the underlying plank by at least 2 cm, and the plank resting on the sleeper shall overlap both underlying planks by a similar amount. If the removable deck is fitted with side planks (side deck), the latter shall be fixed to the deck supports in such a manner that they cannot be loosened from outside without leaving visible traces.

(2) The deck planks which extend to an unsealed compartment and abut on an entry thereto shall, in order to prevent them from being pulled out, be fitted on the outside with properly fixed angle-irons, which shall be covered by the covering board.

(3) The planks which extend to the gangboard shall be secured in a similar manner. The ends of the covering boards shall in this case be faced in the manner specified in article 11, paragraphs 3 and 4, of these Regulations.

(4) If a hinge-frame is used to secure the plank resting on the sleeper, the plank shall be fitted with a groove into which the frame forming the joint exactly fits.

Article 11

(1) The point at which the removable deck plates meet shall be overlapped by a covering board the underside of which shall be flush with the planks resting on the deck rafters.

(2) The same covering board shall be secured halfway along the deck plates so as to make sliding of the planks impossible.

(3) The first and last pairs of covering boards which rest on partitions dividing the sealed compartments from other compartments shall be faced on the outside in such a manner that the ends of the planks lying below them and the planks on the sleeper are covered.

(4) This facing shall be affixed in conformity with the provisions of article 4 of these Regulations.

Article 12

(1) The covering boards shall be installed in such a manner that the other sealing parts attached to them cannot be removed.

(2) The covering board shall be provided on its underside with a hook fitted into a ring secured to the edge of the deck, and the upper side of the covering board shall be fitted with a movable bar in a groove. Both the bar and the covering board shall be provided with two apertures through which, when the covering board is put in place, two hooks firmly fixed in the deck rafters and extending directly over the bars can be passed. The end of the bar extending beyond the covering board shall be fitted with a hasp or a ring that engages with the bar of the opposite covering board. Customs seals shall be affixed either to the individual rings or to a sealing rod passed through several rings.

(b) Vessels with hatchway beams

Article 13

(1) Vessels with hatchway beams shall be fitted with gangboards on both sides along the sealed compartments, and the openings to the sealed compartments shall be bordered by side and end coamings. The gangboards and the side and end coamings shall be firmly fixed together and to the hull of the vessel. The side coamings of the removable side walls shall be so joined to the hull that they cannot be detached from the outside. The hatchway beam shall be firmly fixed at its two ends to the hull of the vessel in such a way that it cannot be removed from the outside once the customs seal has been affixed; the cap of the hatchway beam shall be so affixed thereto that it cannot

be detached without leaving visible traces. The groove under the cap shall be of the same thickness as the wooden boarding (paragraph 2).

(2) The sealed compartments shall be covered by wooden boarding, which, when fitted into the groove of the hatchway beam and laid on the side coamings, forms a completely tight and secure cover; if the boarding consists of a number of planks, the latter shall be so held together on the inside by at least two cross battens or at least two steel strips that it is impossible to take out or push aside the individual planks. Each set of boarding shall be fitted with a suitable device (e. g., a moulding at the lower end abutting on the inside of the side coaming) so that it cannot be pushed away or removed after the customs seal has been affixed.

(3) In order to enable the customs seal to be affixed, each set of boarding shall, according to its width, be provided with one or more hasps of a thickness of at least 60 mm, and the outer side of the side coaming shall be provided with corresponding sealing rings of a thickness of at least 75 mm into which the hasps are fitted. The sealing rods shall be passed through the sealing rings. No hinges may be used in joining the hasps to the wooden boards or, if the hasps are made of several parts, in the joining together of those parts. The sealing installations shall be so constructed that once the sealing rods have been passed through the sealing rings, no set of boarding can be lifted without leaving visible traces.

Article 14

(1) If metal covering plates are used instead of planks or boarding for covering the sealed compartments, the customs sealing shall be ensured in the manner provided for in article 13 of these Regulations.

(2) The sealing installations on each of the metal plates shall consist of two hasps that fit onto rings attached to the side coamings. The sealing rods shall be passed through the rings. The upper ends of the metal plates shall be fitted into a removable hatchway beam that shall be affixed from the inside. The side edges of the metal plates shall be bent over and fitted into bars attached to the side coamings and the hatchway beam.

Article 15

If corrugated iron is used for covering the sealed compartments, it shall be laid transversely. The individual sections shall consist of one piece and shall overlap in such a way that the security of the sealing is ensured. The sealing installations shall be of the kind specified in article 14 of these Regulations.

(c) Vessels with a sliding deck

Article 16

(1) The material of the sliding deck shall be such as to guarantee absolute security of the sealed compartments.

(2) The sliding deck shall rest on the hatchway beam, on which it can be made to slide fore and aft. The sliding sections of the deck shall be fitted with fixed hooks, which

make it impossible to remove the sections. The sections of the deck shall overlap sufficiently when the sealed compartment is closed.

(3) The sliding sections of the deck over each sealed compartment shall be fitted at the sides with sealing rings wherever they touch the partitions. When the compartment is closed, these rings shall be in alignment with the rings fitted to the hatchway beam.

(4) Ventilation openings in the sliding deck shall be constructed in the manner specified in article 7, paragraph 2, of these Regulations.

III. CERTIFICATE CONCERNING THE SUITABILITY OF THE VESSEL FOR CUSTOMS SEALING

Article 17

(1) Application for the issue of a certificate shall be made to the customs authorities of the State in which the vessel is registered. The shipping undertaking applying for the certificate shall make the unladen vessel available to the customs authorities empowered to issue certificates under article 4 of the Agreement, and shall produce the following documents in duplicate :

- (a) A drawing of the vessel and of the sealing installations in cross-section and longitudinal section, together with a plan of the deck ; in the case of tankers, a drawing of the vessel showing the pipe layout and the sealing installations ;
- (b) Specifications of the sealed compartments, their openings and doors, of the vessel structure, cabins and other spaces, and of the sealing installations.

(2) The competent customs authorities shall carry out an inspection of the vessel and an examination of the sealing installations on the basis of the documents produced and in the presence of an authorized representative of the shipping undertaking. They shall determine whether the construction of the vessel accords with the drawings and specifications, is in conformity with the provisions of these Regulations, and is such that customs seals can be affixed. A shipbuilding expert may be present at such inspection and examination at the expense of the shipping undertaking. If no shortcomings are noted, the customs authorities shall issue a certificate in the form of specimen A, to which shall be attached a copy of the drawings and specifications. The master of the vessel shall keep the said documents in a water-tight container on board the vessel and shall, on request, produce the same for inspection by the customs, transport or security authorities. Duplicates of the documents shall remain in the keeping of the customs authorities which issued the certificate.

Article 18

(1) The certificate shall be valid for a period of five years. Before the expiry of that period the vessel shall be made available to the competent customs authorities for a further inspection. If no shortcomings are found in the course of the inspection, the customs authorities shall endorse the certificate to that effect. The endorsed certificate shall be valid for a further period of five years.

(2) If, after the validity of the certificate has expired, the shipping undertaking does not apply for a renewal, it shall return the certificate to the customs authorities by

which the certificate was issued. If the shipping undertaking does not comply with this requirement, any customs authority shall be authorized to withdraw the certificate.

Article 19

(1) The competent customs authorities shall be notified of any structural alteration of the sealed compartments or sealing installations of the vessel before application is made for further clearance under customs seal. The said notice shall be accompanied by drawings and specifications—in both cases in duplicate—of the structural alteration and by the documents mentioned in article 17, paragraph 1, of these Regulations. At the same time, the vessel—if necessary unladen—shall be made available for inspection.

(2) If no shortcomings are found in the course of the inspection of the sealing installations, the suitability of the vessel for sealing shall be confirmed on the certificate by the customs authorities, and a copy of the drawings and specifications mentioned in paragraph 1 shall be attached to the certificate. The duplicate copy shall in each case be sent to the customs authorities by which the certificate was issued.

(3) If shortcomings are found in the course of the examination of the sealing installations, and these are not corrected by the shipping undertaking within the prescribed time-limit, the customs authorities shall retain the documents mentioned in paragraph 1 and shall transmit them, together with particulars of the shortcomings, to the customs authorities by which the certificate was issued.

Article 20

(1) Before the customs authorities affix customs seals to the sealed compartments, they shall satisfy themselves that the sealing installations are in proper condition.

(2) Customs authorities may, after the sealed compartments have been unloaded, check the suitability of the vessel for sealing. If shortcomings are found, the customs authorities shall withhold the documents mentioned in article 1 of these Regulations and shall proceed in accordance with the provisions of article 19, paragraph 3.

IV. PERMITS TO SHIPPING UNDERTAKINGS FOR THE CONVEYANCE OF GOODS UNDER CUSTOMS SEAL

Article 21

A shipping undertaking shall be in possession of a permit for each vessel on which goods are to be conveyed under customs seal. The permit shall be issued in the form of specimen B by the competent customs authorities and shall be kept with the documents mentioned in article 17 of these Regulations.

Article 22

- (1) A shipping undertaking which has been issued a permit shall :
- (a) Ensure that the customs seal is not damaged and that nothing is done which would allow access to the goods without damage to the customs seal ;

- (b) Notify the competent customs authorities, in the manner specified in article 19, of any alteration in the sealing installations of the vessel, before applying for clearance under customs seal ;
- (c) Notify the competent customs authorities, within fourteen days, of any vessel which is no longer sailing under its orders, and return to them the relevant permit ;
- (d) Refrain from employing on a vessel issued a permit any person who has committed an offence against customs or exchange-control regulations.

(2) The central customs administrations may allow exceptions to the provisions of sub-paragraph (1) (d).

Article 23

(1) In the event of a contravention of the provisions of article 22 of these Regulations, the customs authorities may, in accordance with the law of their respective country, impose a customs penalty or a fine. The permit may also be withdrawn.

(2) The legal provisions of the Contracting Parties concerning prosecution and punishment for offences against customs and exchange-control regulations shall not be affected.

Article 24

Translations of the documents mentioned in articles 1, 17 and 19 of these Regulations shall be officially authenticated.

V. TRANSITIONAL PROVISIONS

Article 25

Vessels certified as suitable for customs sealing by virtue of the provisions hitherto in force shall be cleared under customs seal in accordance with those provisions up to 31 December 1960.

S P E C I M E N A

CERTIFICATE NO.

concerning the suitability for customs sealing of the vessel (class, name, number or other marks, home port, etc.), valid until:

In accordance with article 17 of the Uniform Customs Sealing Regulations for Shipping on the Elbe,¹ dated 18 September 1959, the above-mentioned vessel is certified to be suitable for customs sealing.

¹ See p. 314 of this volume.

This certificate, together with drawings and specifications and the permit to the shipping undertaking for the conveyance of goods under customs seal, must be kept in a watertight container on board the vessel by the master of the vessel. These documents must, on request, be produced to the customs, transport or security authorities for inspection.

The competent customs authorities must be notified of any structural alteration of the sealed compartments or sealing installations of the vessel, before application is made for clearance under customs seal. The above-mentioned documents, together with drawings and specifications of the structural alterations, must be produced at the same time. The vessel must be made available for inspection.

..... 19..
(Date) (Customs Authority)
[L.S.]
(Signature)

Entries by the customs authorities relating to checks on the suitability for customs sealing and extension of the validity of the certificate :

S P E C I M E N B

PERMIT No.

The shipping undertaking
(Name) (Address)
is permitted, in accordance with the Uniform Customs Sealing Regulations for Shipping on the Elbe, dated 18 September 1959, to convey goods under customs seal in the vessel (class, name, number or other marks, home port, etc.). The shipping undertaking must :

- (a) Ensure that the customs seal is not damaged and that nothing is done which would allow access to the goods without damage to the customs seal ;
- (b) Notify the competent customs authorities of any alteration in the sealing installations of the vessel, before applying for clearance under customs seal ;
- (c) Notify the competent authorities, within fourteen days, of any vessel which is no longer sailing under its orders, and return to them the relevant permit ;
- (d) Refrain from employing on this vessel any person who has committed an offence against customs or exchange-control regulations.

In case of non-compliance with these provisions, the customs authorities may impose a customs penalty or a fine. The permit may also be withdrawn.

..... 19..
(Date) (Customs Authority)
[L. S.]
(Signature)