

No. 7209

**UNITED STATES OF AMERICA
and
BELGIUM**

**Agreement (with annex) on the visit of the NIS *Savannah*
to Belgian ports. Signed at Brussels, on 19 April 1963**

Official texts: English and French.

Registered by the United States of America on 13 April 1964.

**ÉTATS-UNIS D'AMÉRIQUE
et
BELGIQUE**

**Accord (avec annexe) concernant la visite du NIS *Savannah*
à des ports belges. Signé à Bruxelles, le 19 avril 1963**

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 13 avril 1964.

No. 7209. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF BELGIUM ON THE VISIT OF THE N/S *SAVANNAH* TO BELGIAN PORTS. SIGNED AT BRUSSELS, ON 19 APRIL 1963

The Government of the United States of America and the Government of the Kingdom of Belgium,

Having mutual interest in the peaceful uses of atomic energy and its application to the merchant marine,

Have agreed as follows :

GENERAL DISPOSITIONS

Article 1

The entry of the *N/S Savannah* (hereafter referred to as the "Ship") into the Belgian waters or into one or more Belgian ports and the use thereof shall be subject to the prior approval of the Government of the Kingdom of Belgium.

Article 2

A visit of the Ship to the Belgian territory shall be governed by the principles and procedures set forth in Chapter VIII of the Safety of Life at Sea Convention² as adopted by the 1960 London Conference and the adopted Annex C to the Convention, being the Recommendations applicable to nuclear ships.

Article 3

The Operator and the Master of the Ship shall comply with the national police regulations for the shipping in the waters of the Belgian coast and in the lower Sea Scheldt unless the Operator or the Master provides evidence to the satisfaction of the designated authorities that such regulations would adversely affect the operating safety of the nuclear plant.

¹ Came into force on 27 November 1963, the day on which each Government received from the other Government written notification that it had complied with all the statutory and constitutional requirements for the entry into force of the Agreement, in accordance with the provisions of article 16.

² *International Conference on Safety of Life at Sea, 1960* (Inter-Governmental Maritime Consultative Organization publication, Sales No. IMCO. 1960.I), p. 20.

Article 4

The Government of the Kingdom of Belgium shall determine the port or ports to be visited by the Ship and will designate the authorities (hereafter referred to in this Agreement as « designated authorities ») in charge of the acceptance arrangements and special control under Regulation 11 of Chapter VIII of the foresaid Solas Convention.

Article 5

The Government of the Kingdom of Belgium shall be informed in due time of the name and the location of the United States representative in Belgium for the purpose of the visit of the Ship.

PARTICULAR DISPOSITIONS

Article 6

SAFETY ASSESSMENT

(a) To enable the Government of the Kingdom of Belgium to consider the grant for approval for entry into the Belgian waters and ports and the use thereof by the Ship, the Government of the United States shall provide a Safety Assessment prepared in accordance with Regulation 7 of Chapter VIII of the Solas Convention 1960 and in accordance with Recommendation 9 of Annex C of that Convention.

(b) As soon as practicable after receipt of the Safety Assessment, the Government of the Kingdom of Belgium shall notify the Government of the United States that the Ship can be operated in the Belgian waters and ports in accordance with this agreement, the Safety Assessment and the Operating Manual.

Article 7

PORT ARRANGEMENTS

(a) The designated authorities shall make arrangements with appropriate governmental and municipal authorities for entrance of the Ship into Belgian ports and the use thereof.

(b) Local authorities shall provide for normal fire and police protection, crowd control and general preparation of the harbor with respect to the acceptance of the Ship.

(c) Control of public access to the Ship shall be the responsibility of the Master of the Ship. Special arrangement relating to such control shall be developed by the Master with the concurrence of designated authorities.

(d) The Master of the Ship shall comply with local regulations and instructions so long as in his opinion these regulations and instructions do not adversely affect the operating safety of the nuclear plant.

Article 8

INSPECTION

While the Ship is within Belgian waters and ports, the designated authorities shall have reasonable inspection access to the Ship and its operating records and program data for purposes of determining whether the Ship is or has been operated in accordance with the Safety Assessment and the Operating Manual of the Ship. Records of radiation levels and waste disposal on board may also be inspected by them. Should the inspection by the designated authorities give evidence that the Ship is not operated according to the Safety Assessment and the operating manual, or should, in the opinion of these authorities, any imminent danger to the public, the environment of the Ship or the waterways arise, the Master may be directed by the designated authorities to remove the Ship from the Belgian waters and eventually from the lower Scheldt River and shall cooperate fully in taking whatever action is appropriate under the circumstances.

Article 9

RADIOACTIVE WASTE

The Government of the United States shall ensure that no disposal of radioactive gaseous, liquid or solid wastes shall take place from the Ship while she is within the Belgian waters and ports without the specific prior approval of the designated authorities.

Article 10

MAINTENANCE, REPAIR AND SERVICING

(a) The use of contractors for maintenance, repair and servicing of the nuclear equipment on the Ship in Belgian waters and ports shall be restricted to those contractors having the approval of the designated authorities for the rendering of such services.

(b) Maintenance and repair other than mentioned in paragraph (a) will be permitted if no shifting of the Ship nor its ability to sail is involved. If otherwise, the Ship shall conform with the appropriate instructions given by the designated authorities.

Article 11

CASUALTIES

A report, such as is required by Regulation 12 of Chapter VIII of the Solas Convention 1960, shall be immediately made to the designated authorities by the Master of the Ship in the event of any accident, likely to lead to an environmental hazard, while the Ship is in or is approaching or leaving the Belgian waters.

PUBLIC LIABILITY

Article 12

(a) The United States of America shall provide compensation for all damages arising out of or resulting from a nuclear incident in connection with the design, development, construction, operation, repair, maintenance or use of the Ship, provided and to the extent that any competent court determines the United States or any person indemnified to be liable for public liability. The legal dispositions which shall govern this liability shall be those in existence at the time of the occurrence of the said nuclear incident.

(b) As used in this Agreement and its Annex¹ the terms “ person indemnified ”, “ public liability ” and “ nuclear incident ” have the same meaning as in the definitions of those terms found in Section 11 of the United States Atomic Energy Act of 1954, as amended (United States Code, Title 42, Section 2014).

(c) It is agreed that the aggregate liability of the United States arising out of a single nuclear incident involving the Ship, regardless of where damage may be suffered, shall not exceed 500 million United States dollars.

(d) The United States agrees to submit to proceedings before the Belgian court of competent jurisdiction for the purpose of considering and determining liability for damage arising out of or resulting from a nuclear incident in connection with the design, development, construction, operation, repair, maintenance or use of the Ship and, in accordance with the terms of paragraphs (a) and (c) of this Article, to comply with the judgments of such court and not to resort to the provisions of any law relating to the limitation of ship owner's liability.

(e) The United States shall pursue no rights of recourse against any person who on account of any act or omission committed on Belgian territory including

¹ See p. 94 of this volume.

the Belgian waters or on Belgian ships would be liable for damage arising out of or resulting from a nuclear incident as described in paragraph (a) of this Article.

(f) The Government of the United States shall adopt such measures as are necessary to insure prompt payment of the judgment of any competent court, within the limitations of this Article, whether such judgment is against the United States or against any other person who is indemnified under this Agreement.

FINAL DISPOSITIONS

Article 13

In all cases not provided for in this Agreement the Government of the Kingdom of Belgium reserves the right, after consultation with the Master or eventually with the Operator, to take measures with respect to the Ship in order to warrant the safety and security.

Article 14

In the event of the entry into force of multilateral conventions relating to safety and operating procedures or third party liability of nuclear ships by which both Belgium and the United States of America become bound, the principles adopted herein shall be amended by agreement so as to conform to the provisions of such conventions.

Article 15

Either Government may terminate the Agreement by giving no less than 180 days notice to the other.

Article 16

The Agreement shall enter into force on the day on which each Government shall have received from the other Government written notification that it has complied with all the statutory and constitutional requirements for the entry into force of such Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective governments, have signed the present Agreement.

DONE in duplicate at Brussels this 19th day of April 1963, in the English and French languages, but in any case in which divergence between the two versions results in different interpretations the English version shall be given preference.

For the Government of the United States of America :

Douglas MACARTHUR 2d

[SEAL]

ANNEX

The Government of the United States represents that there is an agreement in effect between the United States Atomic Energy Commission and the United States maritime Administration whereunder the Atomic Energy Commission, acting upon the authority of Section 170 of the Atomic Energy Act of 1954 as amended (United States Code, Title 42, Section 2210), has agreed to indemnify the United States Maritime Administration and other persons indemnified against claims for public liability arising from a nuclear incident in connection with the design, development, construction, operation, repair, maintenance or use of the Ship in the amount mentioned under paragraph (c) of Article 12 of this Agreement.

This sum includes reasonable costs of investigating and settling claims and defending suits for damage.
