

No. 9202

**DENMARK
and
POLAND**

**Agreement concerning salvage operations and recovery of
property from the sea in Danish and Polish internal
waters and territorial seas (with exchange of notes).
Signed at Warsaw, on 26 February 1968**

Official text: English.

Registered by Denmark on 29 August 1968.

**DANEMARK
et
POLOGNE**

**Accord concernant les opérations de sauvetage et la récupéra-
tion de biens naufragés dans les eaux intérieures et la
mer territoriale du Danemark et de la Pologne (avec
échange de notes). Signé à Varsovie, le 26 février 1968**

Texte officiel anglais.

Enregistré par le Danemark le 29 août 1968.

No. 9202. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC CONCERNING SALVAGE OPERATIONS AND RECOVERY OF PROPERTY FROM THE SEA IN DANISH AND POLISH INTERNAL WATERS AND TERRITORIAL SEAS. SIGNED AT WARSAW, ON 26 FEBRUARY 1968

The Government of the Kingdom of Denmark and the Government of the Polish People's Republic,

Considering that during navigation, situations may arise when a ship having suffered average or being otherwise in distress will be in need of assistance,

Taking into account that prompt assistance may be of vital importance for the successful salvage of a ship in distress and its cargo,

Having in mind the object of providing an opportunity for ships in distress to make use of such assistance as is most expedient in each individual case,

Desiring to strengthen the good neighbourly relations between the Kingdom of Denmark and the Polish People's Republic,

Have agreed as follows :

Article 1

If a ship flying the flag of one of the Contracting Parties, while navigating or staying in the internal waters or the territorial sea of the other Contracting Party requires assistance because it has suffered average or is otherwise in distress, the captain or the owner of the ship shall be permitted to call for and make use of such salvage assistance from a ship flying the flag of his country or from a ship flying the flag of the other Contracting Party as in his own discretion will be needed in the circumstances.

Article 2

1. The right of free admission to the internal waters and the territorial seas of the Contracting Parties provided for in article 1 for the purpose of rendering assistance is granted on the condition that information about the nature of the distress and the names of the organisation and the ship or ships to carry out the

¹ Came into force on 10 June 1968, by the exchange of notes informing of its approval, in accordance with article 10.

salvage operations is furnished to the proper authorities of the country in whose internal waters or territorial sea a ship in distress finds itself.

2. Such information shall be given as soon as possible and not later than at the moment when the salvage ship enters the territorial sea of the other Contracting Party.

3. The procedure of furnishing information referred to in this article will be regulated by exchange of letters.

Article 3

The assistance referred to in this Agreement shall comprise any kind of salvage operations, towage or help rendered from the sea to disabled ships or other floating material or cargo on board.

Article 4

This Agreement shall apply to naval vessels to the extent consistent with the rules in force at any time in each of the Contracting Parties regarding the admission of foreign naval vessels to its internal waters and territorial sea.

Article 5

1. This Agreement applies to Polish internal waters and territorial sea with the exception of areas in which navigation and anchoring are prohibited or in which Polish nationals are not allowed to fish as notified in *Wiadomości Żeglarskie*.

2. This Agreement applies to Danish internal waters and territorial sea in the Baltic, in the Kattegat and the Skagerrak, in the North Sea, at the Faroe Islands, and in the Danish Sounds and Belts with the exception of areas in which navigation or anchoring are prohibited or in which Danish nationals are not allowed to fish as notified in *Efterretninger for Søfarende*.

3. Applications for permission to perform salvage operations in the aforementioned areas where according to paragraphs 1 and 2 salvage is prohibited will be given sympathetic and prompt consideration.

Article 6

1. If a ship is sunk or wrecked in the internal waters or the territorial sea of one of the Contracting Parties or in waters outside thereof where the authorities of that Contracting Party are responsible for the safety of the navigation and if the wreck presents danger to or considerably hampers navigation or fishing, the authorities concerned may request the owner of the ship, within a reasonable time-limit, to remove the wreck or to provide such depth over the wreck as is necessary in the circumstances.

2. In cases where it is not possible for the aforementioned authorities to establish who is the owner or otherwise entitled to the wreck or if the owner refuses to remove the wreck within the time-limit specified in instructions of the aforementioned authorities or if the wreck is not removed within the specified time-limit, the proper authorities may themselves arrange for removal of the wreck at the owner's expense, it being understood that the expense will not exceed the limitation of liability for ships flying the flag of his country.

3. If the removal of the wreck is urgently necessitated because of hazards to the safety of navigation, the authorities of the Contracting Parties are entitled immediately to arrange for the wreck to be removed or to provide the necessary depth over the wreck at the owner's expense, it being understood that the expense will not exceed the limitation of liability for ships flying the flag of his country.

Article 7

1. Admission for the purpose of rendering assistance or performing other operations referred to in this Agreement for ships flying flags other than the flags of the Contracting Parties demands the special permission of the Contracting Party in whose internal waters or territorial sea the aforementioned operations will be carried out.

2. If it is not possible for the Contracting Party to perform salvage operations or any other operations referred to in this Agreement by ships flying its own flag, the permission mentioned in paragraph 1 should be given within the shortest possible time, unless there is any important reason for refusal.

Article 8

Ships of one Contracting Party being in the internal waters or territorial sea of the other Contracting Party are under obligation, having due regard to the provisions of this Agreement, to observe the laws and regulations of that Contracting Party regarding sojourns of foreign ships and nationals as well as salvage operations.

Article 9

The provisions of this Agreement shall not restrict the captain in his right to call for help according to the rules of the International Convention for the Safety of Life at Sea.

Article 10

This Agreement is subject to approval by both Governments and will enter into force on the day of the exchange of notes informing of its approval.

This Agreement is concluded for a period of three years and will be prolonged for each next year unless one of the Contracting Parties denounces it by notification not later than six months before the expiration of the period of validity.

IN WITNESS WHEREOF the Undersigned duly authorised have signed and sealed this Agreement.

DONE in Warsaw, February 26th, 1968, in duplicate in the English language.

For the Government of the Kingdom of Denmark :

A. MOLTKE-HUITFELDT

For the Government of the Polish People's Republic :

Stefan PERKOWICZ

EXCHANGE OF NOTES

I

Warsaw, February 26th, 1968

Mr. Chairman,

With reference to the Agreement signed to-day between the Government of the Kingdom of Denmark and the Government of the Polish People's Republic concerning salvage operations and recovery of property from the sea in Danish and Polish internal waters and territorial seas, I have the honour to confirm that the procedure referred to in article 2 of the Agreement as to giving information shall be as follows :

On the part of Denmark notification will be given to the Polish Ministry of Shipping direct to telex No. 81439 (reply : mizegl a wa) or No. 81480 (reply : mizegl b wa) or by Gdynia-Radio, Szczecin-Radio or Witowo-Radio (cable address : Zegmor Warszawa).

On the part of Poland notification will be given direct to telex No. 2373 (reply : soefart kh) or by radio to the Ministry of Commerce of Denmark via any of the following public coast radio-stations : Blåvand, Lyngby, Skagen, Rønne and Thorshavn (cable address : Soefart København).

Notifications given by radio, should be marked " urgent " (xxx).

Please accept, Mr. Chairman, the assurances of my highest consideration.

The Chairman of the Danish Delegation :

A. MOLTKE-HUITFELDT
Ambassador

The Chairman of the Polish Delegation
His Excellency Under-Secretary of State
in the Ministry of Shipping
Stefan Perkowicz

II

Warsaw, February 26th, 1968

Mr. Chairman,

With reference to the Agreement signed to-day between the Government of the Polish People's Republic and the Government of the Kingdom of Denmark concerning salvage operations and recovery of property from the sea in Polish and Danish internal waters and territorial seas, I have the honour to confirm that the procedure referred to in article 2 of the Agreement as to giving information shall be as follows :

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Notifications given by radio, should be marked " urgent " (xxx).

Please accept, Mr. Chairman, the assurances of my highest consideration.

The Chairman of the Polish Delegation :

Stefan PERKOWICZ
Under-Secretary of State in the Ministry of Shipping

The Chairman of the Danish Delegation
His Excellency Ambassador
Count Adam Moltke-Huitfeldt