

No. 11610

**UNION OF SOVIET SOCIALIST REPUBLICS
and
NETHERLANDS**

**Agreement concerning shipping (with protocol). Signed at Moscow
on 28 May 1969**

Authentic texts : Russian and Dutch.

Registered by the Union of Soviet Socialist Republics on 2 March 1972.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
PAYS-BAS**

**Accord relatif à la navigation commerciale (avec protocole). Signé
à Moscou le 28 mai 1969**

Textes authentiques : russe et néerlandais.

Enregistré par l'Union des Républiques socialistes soviétiques le 2 mars 1972.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
UNION OF SOVIET SOCIALIST REPUBLICS AND THE
GOVERNMENT OF THE KINGDOM OF THE NETHER-
LANDS CONCERNING SHIPPING

The Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of the Netherlands, desiring to develop shipping between the two countries and to further the development of international shipping on the basis of the principles of the freedom of navigation, have decided to conclude this Agreement.

Article 1

For the purposes of this Agreement :

1. The term “ ship of a Contracting Party ” means any vessel entered in the ships’ register of the Party in question; however, this term shall not include :

- (a) Warships;
- (b) Other vessels when they are used exclusively for military purposes;
- (c) Vessels exercising the functions of governmental authority in any way;
- (d) Vessels operated for non-commercial purposes, such as State yachts, hospital ships and scientific research vessels.

2. The term “ crew member ” means the master and any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list.

Article 2

This Agreement shall apply to the territory of the Union of Soviet Socialist Republics and the territory of the Kingdom of the Netherlands.

Article 3

The Contracting Parties shall promote freedom of shipping in every way

¹ Came into force on 14 September 1971 by the exchange of the instruments of ratification, which took place at The Hague, in accordance with article 18.

and shall refrain from any action which might be prejudicial to the normal development of international shipping.

Article 4

The Contracting Parties shall continue to make every effort, within the limits of their legislation, to support and develop effective, business-like co-operation between the authorities responsible for shipping in their countries. In particular, the Contracting Parties agree to hold consultations and exchange information between the Government organs responsible for shipping in their countries and to encourage the development of contacts between their shipping organizations or shipping enterprises, as the case may be.

Article 5

1. Pursuant to article 3 of this Agreement, the Contracting Parties agree :
 - (a) To promote the participation of ships of the Union of Soviet Socialist Republics and the Kingdom of the Netherlands in maritime transport between the ports of the two countries;
 - (b) To co-operate in removing obstacles which may impede the development of maritime transport between the ports of the two countries;
 - (c) In principle not to impede the participation of ships of the other Contracting Party in maritime transport between the ports of one Contracting Party and ports of a third country;
 - (d) Subject to the exceptions provided for in their national regulations concerning territorial and internal waters, in principle not to impede the use by ships of one Contracting Party of the towage and rescue services of the other Contracting Party.

2. The provisions of this article shall not affect the right of ships sailing under the flag of a third country to participate in maritime transport between the ports of the Contracting Parties.

Article 6

1. In respect of free access to ports, the use of ports for loading and unloading, the taking on and discharging of passengers, the payment of harbour and other dues and taxes, the use of navigational services and the completion of ordinary commercial transactions, each Contracting Party shall accord to the

ships of the other Contracting Party the same treatment that it accords to its own ships engaged in international transport.

2. The provisions of paragraph 1 of this article shall not :

- (a) Apply to ports which are not intended for use by ships engaged in international trade or to ports, port areas or sections of ports which are exclusively or primarily intended for warships unless notice to the contrary is given by the competent authorities of one Contracting Party to the other Contracting Party;
- (b) Apply to activities which are reserved by each of the Contracting Parties for its own organizations or enterprises, as the case may be, in particular the domestic coasting trade and sea fishing, including the landing and sale of the fish catch;
- (c) Require one Contracting Party to extend to ships of the other Contracting Party the exemption from the rules concerning compulsory pilotage granted to its own ships;
- (d) Affect the application of the regulations concerning the admission and residence of aliens.

Article 7

The Contracting Parties shall, within the limits of their legislation and port regulations, take all necessary measures to facilitate and expedite maritime transport, to prevent unnecessary delays of ships and, where possible, to expedite and simplify the completion of customs and other port formalities.

Article 8

1. Documents attesting to the nationality of ships, tonnage certificates and other ship's papers issued or recognized by one Contracting Party shall be recognized by the other Party as well.

2. Ships of one Contracting Party carrying a lawfully issued tonnage certificate shall be exempt from remeasurement in the ports of the other Party, and the net tonnage of ships as entered in the certificate shall be taken as the basis for computing harbour dues.

Article 9

Each Contracting Party shall extend to the bearers of seafarer's identity documents issued by the competent authorities of the other Contracting Party the rights specified in articles 10 and 11 of this Agreement, subject to compliance with the relevant conditions. Such identity documents shall be : in the case of

seafarers on Soviet ships, the “ USSR seaman’s passport ”; in the case of seafarers on Netherlands ships, the “ Netherlands crew member’s book ”.

Article 10

Bearers of the seafarer’s identity documents referred to in article 9 of this Agreement who are crew members of a ship of the Contracting Party which issued the identity document may, during the time the ship lies in a port of the other Contracting Party, take shore leave without a visa in the territory of the municipality to which the port belongs, provided that the master of the ship has delivered a crew list to the competent authorities in accordance with the regulations in force in the port concerned.

When going on shore and returning to the ship, such persons must submit to passport and customs control in the port concerned.

NOTE. The expression “ in the territory of the municipality to which the port belongs ” shall be deemed to mean, in the case of the Soviet Union, the territory of the port and the port city.

Article 11

1. Bearers of the seafarer’s identity documents referred to in article 9 of this Agreement shall be permitted to enter the territory of the other Contracting Party as a passenger by any means of transportation or to pass through that territory in transit when travelling to join their ship, to transfer to another ship, for repatriation or for any other purpose approved by the authorities of the other Contracting Party.

2. In all the cases referred to in paragraph 1, seafarers must be in possession of the appropriate visas of the other Contracting Party, which shall be issued by the competent authorities as quickly as possible.

3. Where a bearer of the seafarer’s identity document referred to in article 9 of this Agreement is not a national of one of the Contracting Parties, the visas for entry into and transit through the territory of the other Contracting Party provided for in this article shall be issued provided that the bearer is guaranteed readmission to the territory of the Contracting Party which issued the document.

Article 12

1. Save as otherwise provided in articles 9–11 of this Agreement, regulations governing the admission, residence and departure of aliens shall remain fully in force in the territory of the Contracting Parties.

2. Each Contracting Party reserves the right to refuse admission to its territory to seafarers whom it regards as undesirable.

Article 13

1. The judicial authorities of one Contracting Party shall have jurisdiction in proceedings concerning contracts for the performance of work as a crew member on a ship of the other Contracting Party only with the consent of a competent diplomatic or consular official of the ship's flag State.

2. Where a crew member of a ship of one Contracting Party commits a crime on board the said ship while the ship is in the internal waters of the other Contracting Party, the authorities of the latter Party shall not institute legal proceedings against him without the consent of a competent diplomatic or consular official of the ship's flag State unless in their judgment :

- (a) The consequences of the crime extend to the territory of the State in which the ship is present; or
- (b) The crime disturbs public order in that State or threatens its security; or
- (c) The crime constitutes a serious offense under the law of the State in which the ship is present; or
- (d) The crime was committed against a person other than a crew member; or
- (e) The institution of proceedings is necessary for the suppression of illicit traffic in narcotic drugs.

3. The provisions of paragraph 2 shall not affect the right of inspection and investigation which the authorities of each Contracting Party have under their national laws.

Article 14

Shipping enterprises or companies whose main office is situated in the territory of one Contracting Party shall not be subject in the territory of the other Contracting Party to assessment or payment of taxes directly connected with their shipping and other related activities.

Article 15

1. If a ship of one Contracting Party is wrecked, runs aground on a shoal or on shore or sustains any other damage on the coast of the other Party, such ship and its cargo shall enjoy the same advantages in the territory of the latter Party as are granted to national ships and cargoes.

2. Aid and assistance shall be afforded at all times, in the same measure as in the case of national ships, to the crew members and passengers and to the ship and its cargo.

3. Cargo and articles unloaded or salvaged from a ship in the circumstances described in paragraph 1 shall be exempt from all customs duties unless they are delivered for use or consumption in the territory of the other Contracting Party.

Article 16

1. Each Contracting Party shall take steps to enforce claims based on a judgement rendered by a court of the other Contracting Party in civil actions concerning :

- (a) The use of a ship belonging to, operated by or fully chartered by the first-mentioned Contracting Party; or
- (b) The carriage of passengers or cargoes on such a ship.

2. No ship belonging to one Contracting Party may be seized in the territory of the other Contracting Party in connexion with a civil action within the meaning of paragraph 1 if the defendant designates a representative in the territory of the latter Contracting Party.

Article 17

1. For the purpose of supervising the application of this Agreement there shall be established a mixed commission, which may prepare recommendations for the competent authorities of the two Parties. The mixed commission shall meet at the request of either Party.

2. The composition and procedure of the commission referred to in paragraph 1 shall be determined by agreement between the competent maritime authorities of the Contracting Parties.

Article 18

1. This Agreement is subject to ratification, and the instruments of ratification shall be exchanged at The Hague as soon as possible.

2. This Agreement shall enter into force on the date of the exchange of the instruments of ratification and shall remain in force for an indefinite period of time, either Contracting Party having the right to denounce it by giving 12 months' written notice to that effect.

IN WITNESS WHEREOF the undersigned representatives, being duly authorized for the purpose by their respective Governments, have signed this Agreement.

DONE at Moscow on 28 May 1969, in duplicate in the Russian and Dutch languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics :
[V. BAKAYEV]

For the Government
of the Kingdom
of the Netherlands :
[G. BEELAERTS VAN BLOKLAND]

PROTOCOL

On the occasion of the signing of the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of the Netherlands concerning shipping (hereinafter referred to as “ the Agreement ”), the plenipotentiaries of the two Parties have agreed that the articles of the Agreement referred to below shall, in relation to those ports and territories where special local conditions exist, be interpreted and applied as follows :

1. *Ad article 8, paragraph 2, of the Agreement*

Instead of the net tonnage, the gross tonnage as entered in the tonnage certificate shall be taken as the basis for computing harbour dues.

2. *Ad article 9 of the Agreement*

“ Netherlands crew member’s book ” shall be deemed to mean any book issued by the competent authorities or on their behalf attesting to employment as a crew member on a ship registered in the Kingdom of the Netherlands.

3. *Ad article 10 of the Agreement*

The words “ without a visa ” shall be deemed to mean “ without a temporary residence permit ”, and the words “ in the territory of the municipality ” shall be deemed to mean “ on the island ”.

4. *Ad article 11 of the Agreement*

In paragraph 2, the words “ appropriate visas ” shall be deemed to mean “ appropriate temporary residence permits ”.

In paragraph 3, the words “ visas for entry into and transit through the territory ” shall be deemed to mean “ temporary residence permits for the territory ”.

5. The foregoing provisions of this Protocol shall constitute an integral part of the Agreement.

6. The competent authority of the Kingdom of the Netherlands shall notify the competent authority of the Union of Soviet Socialist Republics of the names of the ports and territories to which this Protocol is to apply.

DONE at Moscow on 28 May 1969, in duplicate in the Russian and Dutch languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics :
[V. BAKAYEV]

For the Government
of the Kingdom
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