

No. 11881

**NETHERLANDS
and
POLAND**

**Agreement on merchant shipping (with protocol). Signed at The
Hague on 21 May 1971**

Authentic text : English.

Registered by the Netherlands on 18 July 1972.

**PAYS-BAS
et
POLOGNE**

**Accord relatif à la marine marchande (avec protocole). Signé à
La Haye le 21 mai 1971**

Texte authentique : anglais.

Enregistré par les Pays-Bas le 18 juillet 1972.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
KINGDOM OF THE NETHERLANDS AND THE GOVERN-
MENT OF THE POLISH PEOPLE'S REPUBLIC ON MER-
CHANT SHIPPING

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

In view of the long existing relations between the two countries in the field
of merchant shipping,

Having in mind the Treaty on Commerce and Navigation concluded
between the two countries on May 30, 1924,² which contains a number of articles
relating to merchant shipping, as well as international agreements which bind
both Governments, such as the Convention of Facilitation in Maritime Traffic
of April 9, 1965,³ and the General Agreement on Tariffs and Trade,⁴

Desiring to further develop merchant shipping between their countries and
to contribute on the basis of the principles of freedom and non-discrimination
to the development of international shipping,

Have agreed as follows :

Article 1

For the purpose of the present Agreement the term " vessel of the Contracting Party " shall mean any seagoing vessel when used on commercial service, entered in a shipping register in the territory of that Party. The term shall not include fishing vessels and factory ships.

Article 2

The Contracting Parties shall in their mutual relations contribute in every respect to the freedom of merchant shipping and shall refrain from any actions which might cause harm to the normal development of international shipping.

¹ Came into force on 24 February 1972, the date of the exchange of notes between the Contracting Parties confirming that the procedures required by the laws of their respective countries had been completed, in accordance with article 10 (1).

² League of Nations, *Treaty Series*, vol. XXXIV, p. 9.

³ United Nations, *Treaty Series*, vol. 591, p. 265.

⁴ *Ibid.*, vol. 55, p. 187; for subsequent actions, see references in Cumulative Indexes Nos. 1 to 9, as well as annex A in volumes 651, 661 to 665, 668, 690, 699, 735, 737, 738, 741, 753, 759, 761 to 763, 771, 779, 788, 797, 798, 807, 818 and 825.

Article 3

1. The Contracting Parties agree, in accordance with the provisions of article 2 :

- a) to promote the development of maritime transport between the ports of their respective countries in the spirit of mutual consideration of their interests and to remove eventual difficulties in this respect;
- b) to facilitate in every respect the participation of vessels of the Kingdom of the Netherlands and of the Polish People's Republic in maritime transport between the ports of their respective countries;
- c) not to hinder the participation of vessels of the one Contracting Party in maritime transport between the ports of the other Contracting Party and the ports of third countries.

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

Article 4

1. In respect to access to ports, each Contracting Party shall accord the vessels of the other Contracting Party the same treatment as it accords its own vessels engaged on international voyages.

2. The provisions of paragraph 1 of this article shall not apply to ports, harbour areas and sections the access to which is restricted because of their designation to the use solely or mainly by warships, save where the competent authorities of the Contracting Party concerned have intimated that the contrary shall apply.

Article 5

The Contracting Parties shall adopt, within the limits of their respective national laws and regulations, all appropriate measures to facilitate and expedite maritime traffic, to prevent unnecessary delays to vessels, and to expedite and simplify as much as possible the carrying out of customs and other formalities applicable in ports.

Article 6

1. Tonnage certificates and other ships' documents issued or recognized by one Contracting Party shall also be recognized by the other Contracting Party.

2. Vessels of one Contracting Party carrying tonnage certificates issued in accordance with the provisions of its national legislation shall not be subject to remeasurement in the ports of the other Contracting Party. In case the gross or net tonnage is taken as a basis for computing port dues, the gross or net tonnage as stated on such certificates shall be accepted.

3. Vessels mentioned in paragraph 2 of this article may be subject to control with regard to the measurement of their tonnage in conformity with international rules governing this matter and binding both Parties.

Article 7

1. Income and profits from the operation in international traffic of owned or chartered vessels shall be taxable only in the territory of the Contracting Party where the place of effective management of the enterprise which operates the vessels is situated.

2. The provision of paragraph 1 of this article shall also apply to income and profits obtained by leasing vessels on charter fully equipped, manned and supplied, irrespective of the nationality of the charterer.

Article 8

The Contracting Parties shall, within the limits of their respective legislation, continue their efforts to maintain and to develop an effective working relationship between the authorities responsible for maritime transport in their countries.

In particular, the Contracting Parties agree to foster mutual consultation and the exchange of information between the government departments responsible for maritime affairs in their countries and to encourage the development of contacts between their shipping companies.

Article 9

1. The Contracting Parties shall set up a Joint Committee, whose task will be to discuss matters which might arise from the application of the Agreement and to make appropriate recommendations to the government departments responsible for maritime affairs in their countries. It shall meet at the request of either Contracting Party.

2. The composition and the procedure of the Committee shall be established by common consent between the government departments referred to in paragraph 1 of this article within one year after the entry into force of the present Agreement.

Article 10

1. The present Agreement shall enter into force on the date of the exchange of notes between the Contracting Parties confirming that the procedures required by the laws of their respective countries as to its entry into force have been completed.

2. As regards the Kingdom of the Netherlands the present Agreement shall apply to the whole Kingdom, unless the Government of the Kingdom of the Netherlands makes a notification to the contrary to the Government of the Polish People's Republic on the date of the entry into force of the Agreement.

3. The Agreement will remain in force for an indefinite period, it being understood that each of the Contracting Parties may denounce it by written notification. In that case it would remain in force until three months from the date of its denunciation by either Contracting Party.

Denunciation of the Agreement by the Government of the Kingdom of the Netherlands may be limited to one or more of the constituent parts of the Kingdom.

IN WITNESS WHEREOF, the Undersigned duly authorized thereto have signed and sealed this Agreement.

DONE at The Hague on May 21, 1971, in duplicate in the English language.

For the Government
of the Kingdom of the Netherlands :

For the Government
of the Polish People's Republic :

H. J. DE KOSTER

S. PERKOWICZ

PROTOCOL

At the signing of the Agreement between the Government of the Kingdom of the Netherlands and the Government of the Polish People's Republic on Merchant Shipping, the Undersigned have agreed upon the following :

It is understood that merchant marine training vessels of the one Contracting Party will be accorded by the other Contracting Party a treatment not less favourable than that accorded to vessels referred to in article 1 of the aforementioned Agreement.

This Protocol shall form an integral part of the Agreement.

IN WITNESS WHEREOF, the Undersigned duly authorized thereto have signed this Protocol.

DONE at The Hague on May 21, 1971, in duplicate in the English language.

For the Government
of the Kingdom of the Netherlands :

For the Government
of the Polish People's Republic :

H. J. DE KOSTER

S. PERKOWICZ
