

**No. 13908**

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**FINLAND  
and  
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement concerning navigation. Signed at Moscow on  
3 April 1974**

*Authentic texts: Finnish and Russian.*

*Registered by Finland on 22 April 1975.*

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**FINLANDE  
et  
UNION DES RÉPUBLIQUES SOCIALISTES  
SOVIÉTIQUES**

**Accord relatif à la navigation maritime. Signé à Moscou le  
3 avril 1974**

*Textes authentiques : finnois et russe.*

*Enregistré par la Finlande le 22 avril 1974.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING NAVIGATION

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics,

Having regard to the successful development of Finnish-Soviet relations, based on the Treaty of friendship, co-operation and mutual assistance between the Union of Soviet Socialist Republics and the Republic of Finland, signed in 1948,<sup>2</sup>

Desiring to develop shipping between the two countries and to further the development of international merchant shipping on the basis of the principles of 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 or sailing under its flag in accordance with the legislation in force in that country.

The term shall not, however, include:

- (a) warships;
- (b) other ships used exclusively for administrative or State purposes;
- (c) scientific research ships and ice-breakers;
- (d) sporting or leisure vessels used for non-commercial purposes.

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.

3. The term “territory” in connexion with a Contracting Party means the land territory and marine areas to which the sovereignty of that Contracting Party extends.

4. The term “citizen” in connexion with a Contracting Party means a person recognized by that Contracting Party as one of its citizens.

*Article 2.* 1. The Contracting Parties shall develop bilateral relations in the field of shipping on the basis of the principles of freedom of merchant shipping and shall refrain from any action which might be prejudicial to the development of international shipping on the basis of those principles.

2. Each Contracting Party shall refrain from taking measures which might restrict the opportunities for participation under equal commercial conditions, by the ships of the other Contracting Party in maritime transport between the ports of the former Contracting Party and the ports of the latter Contracting Party or the ports of third countries.

3. The Contracting Parties shall co-operate in removing obstacles which may impede the development of maritime transport between the ports of their countries.

<sup>1</sup> Came into force on 15 February 1975, i.e., 30 days after the date upon which the Contracting Parties had informed each other of the completion of their constitutional formalities, in accordance with article 14.

<sup>2</sup> United Nations, *Treaty Series*, vol. 48, p. 149.

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

5. The provisions of this Agreement:

- (a) shall not apply to activities which are reserved under the legislation of a Contracting Party for its own organizations or enterprises, and in particular to port towage, pilotage, salvage operations, the domestic coasting trade and marine fishing;
- (b) shall not require either Contracting Party to extend to ships of the other Contracting Party exemptions from the rules concerning compulsory pilotage.

*Article 3.* The Contracting Parties shall continue to make every effort, within the limits of their legislation, to support and develop effective co-operation between the authorities responsible for shipping in their countries.

The Contracting Parties shall hold mutual consultations and exchange information between the governmental organs responsible for shipping in their countries and shall develop contacts between their shipping organizations and shipowners.

*Article 4.* 1. In respect of free access to and exit from ports, the use of ports for loading and unloading, the taking on and discharging of passengers and their baggage, the payment of shipping and other similar dues and taxes, bunkering, the supply of food, the removal of contaminated ballast water, repairs and other port services, 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 this article shall not:

- (a) extend to ports which are not open for the use of foreign ships;
- (b) affect the application of the regulations concerning the admission and residence of aliens.

*Article 5.* 1. 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.

2. In this connexion, unless otherwise provided in this Agreement, the shipping enterprises and ships of each Contracting Party shall be accorded by the other Contracting Party the same favourable treatment as that accorded to the ships and shipping enterprises of third countries.

*Article 6.* 1. Each Contracting Party shall recognize the nationality of ships of the other Contracting Party on the basis of documents issued to the ship by the competent authorities of that Contracting Party.

2. Each Contracting Party shall recognize tonnage certificates and other shipping documents issued or recognized by the other Contracting Party. Ships of either Contracting Party carrying legitimate tonnage certificates shall be exempt from remeasurement in the ports of the other Contracting Party, and the tonnage of a ship as entered in the certificate shall be taken as the basis for computing port and other shipping dues.

*Article 7.* 1. Each Contracting Party shall recognize the identity documents issued by the competent authorities of the other Contracting Party to crew members

who are citizens of the latter Contracting Party and shall extend to the holders of such identity documents the rights specified in articles 8 and 9 of this Agreement, subject to compliance with the conditions indicated therein.

Such identity documents shall be :

- in the case of Finland: the Finnish seaman's passport or the Finnish foreign passport;
- in the case of the Soviet Union: the "USSR seaman's passport".

2. In the case of a person who is a citizen neither of Finland nor of the Soviet Union but who possesses an identity document corresponding to the provisions of the Convention on facilitation of international maritime traffic of 9 April 1965<sup>1</sup> and the annex thereto or issued in accordance with the provisions of International Labour Organisation Convention No. 108 concerning Seafarers' National Identity Documents of 1958,<sup>2</sup> the provisions of articles 8 and 9 of this Agreement shall apply as appropriate. Such identity documents must be issued by a State Party to the relevant Convention and must contain a guarantee that the holder of the document may return to the country in which the document was issued.

3. In the case of a person who is a citizen neither of Finland nor of the Soviet Union and who possesses an identity document other than those referred to in paragraph 2, the provisions of articles 8 and 9 of this Agreement shall apply in so far as possible.

*Article 8.* 1. Holders of the identity documents referred to in article 7 of this Agreement who are crew members of a ship of one of the Contracting Parties may, during the time the ship lies in a port of the other Contracting Party, go ashore without a visa, provided that they are entered in the crew list delivered by the master of the ship to the competent authorities of the port concerned.

2. When going ashore and returning to the ship, crew members must submit to frontier and customs control in the port concerned.

3. Should a crew member referred to in paragraph 1 require hospitalization in the territory of the other Contracting Party, the competent authorities of that Contracting Party shall authorize him to remain in the said territory for the period of time required for treatment.

*Article 9.* 1. Holders of the seafarers' identity documents referred to in article 7 of this Agreement shall be permitted to enter the territory of the other Contracting Party as passengers by any means of transport 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.

*Article 10.* 1. Save as otherwise provided in articles 7-9 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.

<sup>1</sup> United Nations, *Treaty Series*, vol. 591, p. 265.

<sup>2</sup> *Ibid.*, vol. 389, p. 277.

*Article 11.* 1. The judicial authorities of one Contracting Party shall have no jurisdiction regarding disputes concerning labour relations which arise between the master of a ship of the other Contracting Party and the crew members of that ship.

2. Where a crew member of a ship of one Contracting Party commits an offence on board the said ship while the ship is in the territory of the other Contracting Party, the authorities of the latter Party shall not institute legal proceedings against him without the consent of a diplomatic or consular official of the first-mentioned Contracting Party. Such consent shall not be required where:

- (a) the offence is committed against the State in whose territory the ship is present, or a citizen or body corporate of that State, or an alien permanently resident in that State, or is directed against the public order of that State;
- (b) the offence is of such a nature that it constitutes a serious crime against life, health or personal safety;
- (c) the institution of proceedings is necessary for the suppression of illicit traffic in narcotic drugs.

*Article 12.* 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 Contracting Party, the 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.

4. The provisions of this article shall not affect the application of the Agreement of 25 August 1971<sup>1</sup> between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics concerning rescue operations in Finnish and Soviet waters.

*Article 13.* 1. A mixed commission shall be established for the purpose of examining questions relating to the application of this Agreement. The commission shall be convened at the request of either Contracting Party.

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

*Article 14.* This Agreement shall enter into force 30 days after the Contracting Parties have informed each other of the completion of the constitutional formalities required for the entry into force of this Agreement.

This Agreement shall remain in force until such time as it is denounced by one of the Contracting Parties upon 12 months' notice.

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

<sup>1</sup> United Nations, *Treaty Series*, vol. 801, p. 3.

DONE at MOSCOW on 3 April 1974, in duplicate in the Finnish and Russian languages, both texts being equally authentic.

For the Government of the Republic of Finland:  
JAN-MAGNUS JANSSON

For the Government of the Union of Soviet  
Socialist Republics:  
T. B. GUZHENKO

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