

No. 14034

**SWEDEN
and
POLAND**

Agreement concerning salvage activities and recovery of property from the sea in Swedish and Polish internal waters and territorial seas (with protocol of signature and exchange of notes). Signed at Warsaw on 5 October 1970

Authentic text: English.

Registered by Sweden on 20 May 1975.

**SUÈDE
et
POLOGNE**

Accord concernant les opérations de sauvetage et la récupération de biens naufragés dans les eaux intérieures et la mer territoriale de la Suède et de la Pologne (avec protocole de signature et échange de notes). Signé à Varsovie le 5 octobre 1970

Texte authentique : anglais.

Enregistré par la Suède le 20 mai 1975.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF SWEDEN AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC CONCERNING SALVAGE ACTIVITIES AND RECOVERY OF PROPERTY FROM THE SEA IN SWEDISH AND POLISH INTERNAL WATERS AND TERRITORIAL SEAS

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

Considering that during navigation, situations may arise when a ship having suffered average or being in danger will be in need of salvage services,

Taking into account that prompt action may be of vital importance for the successful salvage of a ship in danger and her cargo,

Having in mind the object of providing an opportunity for ships in danger to make use of such salvage services as are most expedient in each individual case and

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

Have agreed as follows:

Article 1. 1. This Agreement refers to any kind of salvage operations, towage or other help, in the following called salvage services, rendered to ships or other floating objects or cargo.

2. A floating object flying no national flag is under this Agreement entitled to be treated as if it were a ship flying the national flag of its owner.

Article 2. 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 salvage services because she has suffered average or is in danger, the captain or the owner of the ship or her underwriter shall be permitted to call for and make use of such salvage services 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 3. 1. The right of free admission to the internal waters and the territorial sea of any of the Contracting Parties provided for in article 2 for the purpose of rendering salvage services is granted on the condition that notification about the nature of the danger and the names of the organisation and the ship or ships to carry out the salvage services is furnished to the proper authorities of the country in whose internal waters or territorial sea a ship in danger finds herself.

2. Such notification 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. If a salvage ship is already within the internal waters or territorial sea of the other Contracting Party, the right of rendering salvage services as referred to in arti-

¹ Came into force on 23 January 1971, the date of the exchange of notes confirming its approval by both Parties, in accordance with the first paragraph of article 10.

cle 2 is granted on the same condition as provided for in paragraph 1 of the present article. The notification shall be given before the salvage activities start.

4. The procedure of notification referred to in this article is regulated in the protocol of signature.

Article 4. 1. Admission, for the purpose of rendering salvage services referred to in this Agreement, for ships flying flags other than the flags of the Contracting Parties requires the permission of the Contracting Party in whose internal waters or territorial sea the aforementioned services will be rendered.

2. The permission mentioned in paragraph 1 shall be given within the shortest possible time, unless there is an important reason for refusal. The Contracting Party concerned may consider it an important reason for refusal that the salvage services needed could well be rendered by salvage ships flying the flag of one of the Contracting Parties.

3. Requests for permission shall be made in accordance with the provisions of article 3, paragraphs 1 and 4.

Article 5. 1. When Swedish or Polish salvage ships, which render or intend to render salvage services under the Agreement, wish to engage the means of a salvage company belonging to another country in order to be able to render effective salvage services, requests for permission so to do shall be given prompt and sympathetic consideration.

2. Requests for permission shall be made in accordance with the provisions of article 3, paragraphs 1 and 4.

Article 6. This Agreement shall apply to naval vessels and vessels owned or used by the State and employed for a non-commercial purpose to the extent consistent with the rules in force at any time in each of the Contracting Parties regarding the admission of those vessels to its internal waters and territorial sea.

Article 7. 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 activities.

Article 8. The provisions of this Agreement shall not modify the rights and duties of ships flying the flag of one of the Contracting Parties as provided for in the International Conventions, relating to assistance and salvage at sea and relating to collision between vessels, signed at Brussels on September 23, 1910¹ and in the International Convention for Safety of Life at Sea, signed at London on June 17, 1960.²

Article 9. 1. This Agreement applies to Polish internal waters and territorial sea with the exception of areas in which navigation or anchoring are prohibited as notified in “*Wiadomości Żeglarskie*”.

2. This Agreement applies to Swedish internal waters and territorial sea with the exception of areas in which navigation or anchoring are prohibited as notified in “*Underrättelser för sjöfarande*”.

¹ *British and Foreign State Papers*, vol. CIII, p. 434.

² United Nations, *Treaty Series*, vol. 536, p. 27.

3. Requests for permission to render salvage services in the aforementioned areas will be given sympathetic and prompt consideration and shall be made in accordance with the provisions of article 3, paragraphs 1 and 4.

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 in writing not later than six months before the expiry of the period of validity.

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

DONE in Warsaw on October 5, 1970, in duplicate in the English language.

For the Government of the Kingdom of Sweden:

CLAËS I. WOLLIN

For the Government of the Polish People's Republic

JERZY SZOPA

PROTOCOL OF SIGNATURE

At the time of signing the Agreement between the Government of the Kingdom of Sweden and the Government of the Polish People's Republic concerning Salvage Activities and Recovery of Property from the Sea in Swedish and Polish Internal Waters and Territorial Seas, the Undersigned have agreed that the procedure of notification as per article 3 paragraph 4 as well as of requests as per article 4 paragraph 2, article 5 paragraph 2 and article 9 paragraph 3 of the Agreement shall be as follows:

1. On the part of Poland, notifications or requests shall be made in one of the following two ways:

- a) if the notification or request is made from a ship at sea — to any of the following coast radio stations: Haernoessand-Radio, Stockholm-Radio, Tingstaede-Radio, Karlskrona-Radio, Goeteborg-Radio;
- b) if the notification or request is made from land — to the Royal Ministry for Foreign Affairs (cable address: Cabinet, telex No. 10590/reply 10590 A UD STH S).

2. On the part of Sweden, notifications or requests shall be made to the Polish Ministry of Shipping direct to telex No. 814607 b pl or by Gdynia-Radio, Szczecin-Radio, Witowo-Radio (cable address: Zegmor Warszawa).

3. All communications shall be marked "urgent" and bear the identification code: "Polish-Swedish salvage agreement of 1970".

DONE in Warsaw on October 5, 1970, in duplicate in the English language.

For the Government of the Kingdom of Sweden:

CLAËS I. WOLLIN

For the Government of the Polish People's Republic:

JERZY SZOPA

EXCHANGE OF NOTES

I

Warsaw, October 5, 1970

Mr. Minister,

During the negotiations on the Agreement between the Government of the Kingdom of Sweden and the Government of the Polish People's Republic concerning Salvage Activities and Recovery of Property from the Sea in Swedish and Polish Internal Waters and Territorial Seas, an exchange of views took place on the question of requests from Swedish or Polish salvage ships to be permitted to render salvage services to ships flying flags other than the flags of the Contracting Parties.

It was the understanding of both Delegations that, until such time when an agreement could be reached on this issue, requests for permission would be given prompt and sympathetic consideration, taking into account the circumstances of each individual case.

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

CLAËS I. WOLLIN
Ambassador of the Kingdom of Sweden

II

Warsaw, October 5, 1970

Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's letter of today's date reading as follows:

[*See note I*]

I have the honour to confirm that the above sets out correctly the understanding reached between the two Delegations.

Please accept, Your Excellency, the assurances of my highest consideration.

JERZY SZOPA
Minister of Shipping
of the Polish People's Republic