

No. 14153

**DENMARK
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement concerning shipping (with exchanges of letters).
Signed at Moscow on 17 October 1973**

*Authentic texts: Danish and Russian.
Registered by Denmark on 8 August 1975.*

**DANEMARK
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord relatif à la navigation maritime (avec échanges de
lettres). Signé à Moscou le 17 octobre 1973**

*Textes authentiques: danois et russe.
Enregistré par le Danemark le 8 août 1975.*

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF DENMARK AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING SHIPPING

The Government of the Kingdom of Denmark and the Government of the Union of Soviet Socialist Republics,

Having regard to the Treaty of commerce and navigation between Denmark and the Union of Soviet Socialist Republics of 17 August 1946,² and wishing further to develop shipping between the two countries and also contribute to 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 purpose of this Agreement:

(1) The term “ship of a Contracting Party” means any vessel entered in the ship’s register in the territory of that Party in accordance with its law. However, this term shall not include warships or fishing vessels.

(2) The term “crew member” means 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 Kingdom of Denmark, on the one hand, and to the territory of the Union of Soviet Socialist Republics, on the other hand.

Article 3

The Contracting Parties reaffirm their support for the principles of the freedom of commercial navigation and agree to refrain from any action of a discriminatory nature in that field being convinced that such action could be prejudicial to the development of international trade.

Article 4

1. The Contracting Parties shall promote the development of shipping between the ports of the two Parties, within the limits of their respective laws.

2. The Contracting Parties agree to follow the principles of free and fair competition in international shipping. In particular, each Contracting Party shall

¹ Came into force on 14 September 1974, i.e., 30 days after the date of the exchange of the notifications (effected on 12 July and 14 August 1974) by which each Contracting Party informed the other Party of the completion of the necessary procedures, in accordance with article 18 (1).

² United Nations, *Treaty Series*, vol. 8, p. 201.

refrain from taking measures which may limit the opportunities of ships of the other Contracting Party to compete in relation to trade between its own ports and ports of the other Contracting Party on equal commercial conditions and shall in general apply the aforesaid principles also to trade between its ports and the ports of third countries.

3. The provisions of this article shall not affect the right of ships of third countries to participate in trade between the ports of the Contracting Parties.

Article 5

1. Each Contracting Party shall ensure that, in its ports, ships of the other Party are accorded the same treatment accorded to its own ships engaged in international trade in respect of free access to ports, stationing in ports and departure from ports, use of ports for loading and unloading of cargo and for embarking and disembarking passengers, supplies of fuel and water, the delivery of waste products accumulated on board ship, repairs, the use of moorings, anchorages, warehouses, cranes and all other facilities normally made available for shipping and related commercial activities, and also in respect of the payment of port and other dues and taxes.

2. The provisions of the foregoing paragraph shall not apply to:

- (a) activities which, under the law of each Party, are reserved for national organizations or enterprises and, in particular, to activities relating to the performance of harbour services, towage, pilotage, rescue operations, coastal shipping and sea fishing;
- (b) ports that are not open to foreign vessels;
- (c) formalities concerning the admission and residence of aliens.

3. The provisions of paragraph 1 shall apply in the case of vessels calling at ports of one of the Contracting Parties in connexion with maritime transport operations between them, in connexion with maritime transport to or from third countries and also in connexion with maritime transport operations between ports of the other Contracting Party for the purpose of unloading all or part of a cargo brought from abroad, or for the purpose of loading all or part of a cargo intended for a third country.

Article 6

1. The Contracting Parties shall take the necessary measures, within the limits of their laws and port regulations, to shorten as far as possible the stay of ships in ports and facilitate compliance with the administrative, customs and health regulations in force there.

2. The Contracting Parties shall reciprocally apply such regulations on the basis of the principle of most-favoured-nation treatment.

Article 7

Each Contracting Party shall recognize the nationality of ships of the other Contracting Party on the basis of the documents on board such ships, issued by the competent authorities of the other Contracting Party.

Article 8

Tonnage certificates and other ship's papers issued or recognized by one Contracting Party shall also be recognized by the other Party. In accordance with this provision, ships of either Contracting Party carrying a valid tonnage certificate shall be exempt from remeasurement in the ports of the other Party and the aforesaid tonnage certificate shall be taken as the basis for computing port and other dues.

Article 9

1. The Contracting Parties shall recognize the following seamen's identity documents:

- (1) the "USSR seaman's passport", issued by the competent soviet authorities;
- (2) a passport or seafarer's identity document, pursuant to ILO Convention No. 108 of 1958¹ concerning Seafarers' National Identity Documents, issued by the competent Danish authorities.

2. The Contracting Parties shall extend to holders of the identity documents specified in paragraph 1 the rights referred to in articles 10 and 11.

3. The same rights shall be extended to crew members of a ship of the other Contracting Party and to seamen who are to be signed on or off such ship, provided that they hold one of the following identity documents, issued by the competent authorities of a State which is not a Contracting Party, and that the document guarantees the readmission of the holder to the country whose authorities issued the document:

- (1) a seafarer's identity document or passport pursuant to ILO Convention No. 108 of 1958 concerning Seafarers' National Identity Documents; or
- (2) a seafarer's identity document or passport meeting the requirements of the 1965 Convention on facilitation of international maritime traffic.²

4. The same rights shall be accorded, as far as possible, also to seamen holding identity documents other than those specified in paragraph 3.

Article 10

1. Crew members of a ship of one Contracting Party, holding an identity document of the kind specified in article 9, paragraph 1, may go on shore without a visa and stay in the port concerned as long as their ship remains there, but no longer than three months, provided that such crew members are included in the crew list submitted by the master of the ship to the passport control authorities.

2. If a seaman holding an identity document of the kind specified in article 9, paragraph 1, is hospitalized in the territory of the other Contracting Party, the competent authorities of that Party shall give permission for him to stay in its territory for the necessary amount of time.

Article 11

1. A seaman holding an identity document of the kind specified in article 9, paragraph 1, shall be entitled, regardless of the means of transport used, to enter

¹ United Nations, *Treaty Series*, vol. 389, p. 277.

² *Ibid.*, vol. 591, p. 265.

the territory of the other Contracting Party or leave it or pass through it in transit for the purpose of joining his ship, transferring to another ship or returning to his country, or for any other purpose approved in advance by the authorities of the other Contracting Party.

2. In the cases referred to in paragraph 1, the identity document shall bear a visa issued by the other Contracting Party. The visa shall be issued as quickly as possible.

Article 12

1. Save as otherwise provided in articles 10 and 11, the regulations in force in the territory of the Contracting Parties governing the admission, residence and departure of aliens shall remain in force.

2. The Contracting Parties reserve the right to refuse admission to their territory to seamen whom they regard as undesirable.

Article 13

1. The judicial authorities of one Contracting Party (the port State) shall not entertain any civil proceedings in connexion with disputes between the master and crew members of a ship of the other Contracting Party concerning conditions of service.

2. The judicial and administrative authorities of the port State shall not, except at the request of or with the consent of the competent diplomatic or consular officer, exercise jurisdiction or intervene (as the case may be) in respect of any matter occurring on board a ship of the other Contracting Party, including, provided that it is justifiable under the law of the port State, the detention on the vessel of any person. Such authorities may, however, exercise any civil jurisdiction which is not excluded by the provisions of paragraph 1.

3. The provisions of paragraph 2 shall not apply:

- (a) if the offence affects the security of the port State or the consequences of the offence extend to its territory; or
- (b) if the offence disturbs the peace or public order in the port or territorial waters of the port State; or
- (c) if the offence is committed by or against a national of the port State, by or against a person domiciled in its territory or by or against any person who is not a crew member; or
- (d) if the offence is a serious offence under the law of the port State.

4. The provisions of paragraph 2 shall similarly not apply to measures taken by the authorities with regard to customs, public health, immigration, the protection of human life, the safety of vessels and ports, dangerous cargo, pollution of the sea and radio communications.

Article 14

Neither Contracting Party shall require enterprises or companies of the other Contracting Party, engaging in shipping activities and having their main office in the territory of that Party, to pay taxes on income or profits deriving from their shipping or other related activities.

Article 15

1. If a ship of one Contracting Party runs aground, is wrecked, or suffers any accident on the coast of the other Contracting Party, the ship and its cargo shall be accorded the same treatment as that prescribed by the law of that other Party in such circumstances for its own ships and their cargo. The master, crew and passengers shall at all times be afforded the necessary help and assistance both as regards their persons and as regards the ship and cargo.

2. A ship of the kind referred to in paragraph 1, its cargo and equipment and other articles from the ship, provided that they are not delivered for use or consumption locally, shall be exempt from customs or other duties.

3. The provisions of paragraph 2 shall not preclude the application of the laws and regulations of the Contracting Parties concerning the temporary storage of goods.

Article 16

1. At the request of one Contracting Party, negotiations shall be held concerning the possible establishment in the territory of the other Contracting Party, on a basis of reciprocity, of agencies of shipping enterprises, which may freely enter into contact with exporters, importers, charterers, recipients and senders of cargo, conclude chartering or transport agreements and carry out other commercial activities connected with shipping.

2. The negotiations concerning the establishment of such agencies and concerning the conditions for such activities shall be held between the authorities of the Contracting Parties responsible for maritime transport in the two countries.

Article 17

1. The Contracting Parties shall, within the limits of their respective laws, continue their efforts to promote and develop co-operation between the maritime transport authorities and between the shipping organizations of the two countries, by such means as mutual consultations and the exchange of information.

2. At the request of one Contracting Party, a mixed commission, composed of representatives of the two Contracting Parties, shall meet for the purpose of considering questions relating to the application of this Agreement. The Commission shall be authorized to submit to the Contracting Parties any recommendations which it considers useful.

Article 18

1. Each Contracting Party shall officially notify the other Party of the completion of the necessary procedures for the entry into force of this Agreement, which shall take effect 30 days after the date of the last such notification.

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

IN WITNESS WHEREOF the undersigned, being duly authorized for the purpose, have signed this Agreement and have thereto affixed their seals.

DONE at Moscow on 17 October 1973 in duplicate, in the Danish and Russian languages, both texts being equally authentic.

For the Government of the Kingdom of Denmark:
ANKAR JØRGENSEN

For the Government of the Union of Soviet Socialist Republics:
K. MAZUROV

EXCHANGES OF LETTERS

Ia

Moscow, 17 October 1973

Sir,

In connexion with the signing today of the Agreement between the Government of Denmark and the Government of the Union of Soviet Socialist Republics concerning shipping, I have the honour to refer to the comments made during the negotiations by the Danish delegation concerning the desirability of agreeing on rules concerning the removal of wrecked vessels belonging to one Contracting Party, when such wrecks are situated outside the territorial waters of the other Contracting Party in areas where that Party's authorities are responsible for the safety of navigation. At the same time, I would refer to the understanding arrived at between the delegations to the effect that this question can be taken up again when the results of the forthcoming United Nations Conference on the Law of the Sea are known.

I request that you kindly confirm that the Soviet Union is in agreement with the above-mentioned understanding.

Accept, Sir, etc.

ANKAR JØRGENSEN
Prime Minister

Mr. K. T. Mazurov
Deputy Prime Minister

IIa

Moscow, 17 October 1973

Sir,

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

[See letter Ia]

I have the honour to confirm that the Soviet Union is in agreement with the understanding referred to in the aforesaid letter.

Accept, Sir, etc.

[K. MAZUROV]

His Excellency Mr. Ankar Jørgensen
Prime Minister of the Kingdom of Denmark

Ib

Moscow, 17 October 1973

Sir,

In connexion with the signing today of the Agreement between the Government of the Union of Soviet Socialist Republics and the Government of the Kingdom of Denmark concerning shipping, the Soviet Union wishes to emphasize that, in connexion with the USSR's bilateral trade with other countries, situations might arise in which the Soviet Union would have to depart from the principle of free competition referred to in article 4 of the aforesaid Agreement. The Soviet Union hereby states that even in such cases it is intended that the interests of third countries in international shipping should be taken into consideration.

I request that you kindly confirm that Denmark takes note of the above statement by the Soviet Union.

Accept, Sir, etc.

[I. M. AVERIN]

Chairman of the Soviet Delegation

Mr. G. F. K. Harhoff
Chairman of the Danish Delegation

Iib

Moscow, 17 October 1973

Sir,

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

[*See letter Ib*]

I hereby confirm that Denmark takes note of the contents of the above-mentioned statement by the Soviet Union.

Accept, Sir, etc.

G. F. K. HARHOFF

Chairman of the Danish Delegation

Mr. I. M. Averin
Chairman of the Soviet Delegation