

No. 14473

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**UNION OF SOVIET SOCIALIST REPUBLICS**  
**and**  
**ITALY**

**Treaty concerning merchant shipping. Signed at Moscow on  
26 October 1972**

*Authentic texts: Russian and Italian.*

*Registered by the Union of Soviet Socialist Republics on 23 December  
1975.*

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**UNION DES RÉPUBLIQUES SOCIALISTES**  
**SOVIÉTIQUES**  
**et**  
**ITALIE**

**Traité concernant le commerce maritime. Signé à Moscou le  
26 octobre 1972**

*Textes authentiques : russe et italien.*

*Enregistré par l'Union des Républiques socialistes soviétiques le  
23 décembre 1975.*

## [TRANSLATION—TRADUCTION]

**TREATY<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE ITALIAN REPUBLIC CONCERNING MERCHANT SHIPPING**

The Government of the Union of Soviet Socialist Republics and the Government of the Italian Republic, desiring to develop merchant shipping between the two countries and to promote the development of international shipping on the basis of the principles of freedom of merchant navigation, have decided to conclude this Treaty in furtherance of the Treaty of Commerce and Navigation of 11 December 1948<sup>2</sup> between the USSR and Italy.

*Article 1.* For the purpose of this Treaty:

(a) The term “vessel of a High Contracting Party” shall mean any merchant vessel registered at a port of that Party.

(b) The term “member of the crew” shall mean any person, including the master, actually employed for duties on board during a voyage in the working or service of a vessel and included in the crew list.

*Article 2.* The High Contracting Parties reaffirm the principle of freedom of merchant navigation and declare that they will refrain from taking any measures which might be prejudicial to the shipping of the other High Contracting Party or might impede the use of vessels of any nationality.

*Article 3.* Pursuant to the provision of article 2 of this Treaty, the High Contracting Parties shall take the necessary measures to improve the conditions of navigation between the Union of Soviet Socialist Republics and the Italian Republic and to promote the development of relations in this field.

In particular, the High Contracting Parties agree:

(a) to encourage the participation of vessels of the Union of Soviet Socialist Republics and the Italian Republic in maritime transport between the ports of the two countries and not to impede vessels sailing under the flag of the other High Contracting Party in transport operations between the ports of their own country and ports of a third country;

(b) to co-operate in removing obstacles which may impede the development of maritime transport between the ports of the two countries.

The provisions of this article, which take into account the mutual interests of the two countries, shall not affect the right of vessels sailing under the flag of a third country to participate in transport between the ports of the High Contracting Parties.

*Article 4.* Each High Contracting Party shall accord to vessels of the other Party the same treatment as it accords to its own vessels in respect of free access to its ports, the use of ports, the use of port installations for servicing

<sup>1</sup> Came into force on 13 July 1975, i.e., 15 days after the date of the exchange of the instruments of ratification, which took place at Rome on 27 June 1975, in accordance with article 18.

<sup>2</sup> United Nations, *Treaty Series*, vol. 217, p. 181.

vessels and passengers, cargo-handling and the completion of commercial transactions. Equality of treatment shall extend to the use of all facilities in connexion with the provision of space for berthing, loading and unloading and to the payment of port dues and taxes of any kind.

*Article 5.* The High Contracting Parties shall, within the limits of their legislation and port regulations, take the necessary measures to reduce the time vessels lie in port and, where possible, to expedite and simplify customs, health and other formalities in force in ports.

*Article 6.* I. Vessels sailing under the flag of one of the High Contracting Parties and carrying papers attesting to their nationality in conformity with the laws of that country shall be regarded as vessels of that High Contracting Party.

II. Ship's papers issued to vessels sailing under the flag of one of the High Contracting Parties by the competent authorities of that Party or recognized by them shall be reciprocally recognized.

Vessels of one Party carrying a lawfully issued tonnage certificate shall be exempt from remeasurement in the ports of the other Party.

In the event of a change in the system of measurement by one Party, the said Party shall inform the other Party of the change so that the equivalence of the information received may be verified.

*Article 7.* Each High Contracting Party shall recognize as identity documents for members of crews: in the case of Soviet vessels, the "USSR seaman's passport"; in the case of Italian vessels, the "seaman's book".

*Article 8.* Bearers of the identity documents referred to in article 7 of this Treaty whose names are on the crew list as well as the register of members of the crew delivered to the port authorities may, during the time the vessel lies in a port of the other High Contracting Party, take shore leave without a visa within the limits of the town in whose territory the port is situated.

When going ashore and returning to the vessel, such persons must submit to passport and customs control in accordance with the regulations in force in the port concerned.

*Article 9.* Seafarers who are nationals of one High Contracting Party shall be permitted to pass through the territory of the other High Contracting Party for the purpose of travelling to join a vessel lying in a port of that Party or, if they have disembarked for repatriation, provided that they have with them the identity documents referred to in article 7 of this Treaty, duly visaed by the authorities of the other High Contracting Party, and an appropriate declaration on embarkation or disembarkation issued by the shipowner or his agent or by the master.

Visas for the seafarer's identity documents shall be issued by the competent authorities of each High Contracting Party as quickly as possible.

Travel by the above-mentioned persons to their destination in the territory of either High Contracting Party shall be governed by the regulations in force in that territory with respect to travel by aliens.

*Article 10.* The High Contracting Parties reserve the right to refuse admission to and residence in their respective territories to persons bearing the seafarer's identity documents referred to in article 7 of this Treaty whom they regard as undesirable.

*Article 11.* In the interests of navigation, the master of a vessel lying in a port of the other High Contracting Party or a member of the crew designated by him shall receive permission to visit a consular officer of the country whose flag the vessel is flying or a representative of the company which owns or has chartered the vessel.

*Article 12.* Vessels of either High Contracting Party entering a port of the other High Contracting Party in order to unload part of a cargo arriving from abroad may, subject to the laws and regulations of the country in which the port of entry is situated, retain on board cargo intended for unloading at another port of that country or of any other country without incurring liability, in respect thereof, for payment of customs or other duties or taxes of any kind.

The above-mentioned vessels, when proceeding from a port of one of the High Contracting Parties to another port of the same Party for complete or partial loading of cargo intended for shipment abroad, shall not incur liability for payment of any duties other than those payable by national vessels in comparable cases.

Direct transfers of goods from one vessel to another may be undertaken, with the permission of the competent authorities, without the necessity of their passing through an intermediate floating or shore-based warehouse and without payment of taxes or duties of any kind with the exception of supervisory costs.

*Article 13.* Shipping companies and enterprises whose main office is situated in the territory of one High Contracting Party shall not be subject to payment in the territory of the other High Contracting Party of taxes on income derived from the international maritime transport of cargo and passengers.

The scope of and arrangements procedures for application of the provisions of the preceding paragraph shall be specified in an appropriate agreement to be concluded in the near future.

*Article 14.* If a vessel of one High Contracting Party is wrecked or suffers some other accident on the coast of the other Party, such vessel and its cargo shall enjoy the same rights and advantages in the territory of the latter Party as are granted to national vessels and cargoes. The necessary aid and assistance shall be afforded at all times, to the same extent as in the case of national vessels to the master crew and passengers and to the vessel itself and its cargo.

Cargo and articles salvaged from a vessel which has been wrecked or has suffered some other accident shall, unless they are intended for use or consumption in the territory of the other High Contracting Party, be exempt from any tax or customs duty.

*Article 15.* I. The judicial authorities of one High Contracting Party shall not entertain civil disputes between the master, officers and crew of vessels sailing under the flag of the other High Contracting Party if such disputes relate to the performance of duties arising from a labour contract.

II. The authorities of one High Contracting Party shall have no criminal jurisdiction on board a vessel sailing under the flag of the other Party and lying in a port of the first-mentioned Party in respect of arrest and the conduct of investigations in connexion with an offence committed on board, save in the following cases:

(a) where the consequences of the offence extend to the territory of the first-mentioned High Contracting Party; or

- (b) where the offence or its consequences are such as to disturb the peace or public order or to affect public security in the territory, in a port or in the territorial waters of the first-mentioned High Contracting Party; or
- (c) where persons not belonging to the crew of the vessel are implicated in the offence or where the offence was committed by or against a national of the first-mentioned High Contracting Party; or
- (d) where the offence is one of a serious nature that threatens life or personal safety.

III. The provisions of paragraph II of this article shall not affect the right of local authorities to take measures to suppress traffic in narcotic drugs and ensure compliance with customs and health regulations as well as other regulatory measures relating to the security of vessels and ports, the protection of human life, the safety of cargoes and the residence of aliens.

*Article 16.* The treatment which the High Contracting Parties accord to each other under this Treaty shall not extend to:

- (a) coastal shipping between ports of the other High Contracting Party and inland navigation;
- (b) fishing;
- (c) maritime services in respect of ports, roadsteads and coastlines, including pilotage, towage, rescue and salvage, and the provision of assistance at sea;
- (d) privileges accorded to sports associations;
- (e) measures established by special legislation to encourage the national shipbuilding industry and shipping;
- (f) emigration and the transport of emigrants;
- (g) ports not intended for use by foreign vessels, or ports or areas or parts thereof intended exclusively or mainly for warships, in the event that it becomes necessary under certain circumstances to apply in such ports or areas or parts thereof, for a specified period of time, special restrictive measures concerning which prior notice must be given.

*Article 17.* Technical delegations of the two countries may, by agreement between the competent authorities of the High Contracting Parties, meet to review the development of maritime transport between the two countries and to consider any other matters of mutual interest relating to this Treaty.

*Article 18.* This Treaty is subject to ratification, and the exchange of the instruments of ratification shall take place at Rome as soon as possible.

The Treaty shall enter into force 15 days after the exchange of the instruments of ratification and shall remain in force until such time as one of the High Contracting Parties denounces it by giving 12 months notice to that effect.

DONE at Moscow on 26 October 1972 in duplicate in the Russian and Italian languages, both texts being equally authentic.

For the Government  
of the Union of Soviet  
Socialist Republics:  
[A. KOSYGIN]

For the Government  
of the Italian Republic:  
[G. ANDREOTTI]