

No. 14776

**UNION OF SOVIET SOCIALIST REPUBLICS
and
SWEDEN**

**Agreement concerning shipping. Signed at Stockholm on
5 April 1973**

**Protocol on the reciprocal exemption of shipping companies
from payment of tax. Signed at Stockholm on 5 April
1973**

Authentic texts: Russian and Swedish.

Registered by the Union of Soviet Socialist Republics on 26 May 1976.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
SUÈDE**

**Accord sur la navigation maritime. Signé à Stockholm le
5 avril 1973**

**Protocole relatif à l'exonération d'impôts accordée sur une
base de réciprocité aux entreprises de navigation. Signé
à Stockholm le 5 avril 1973**

Textes authentiques : russe et suédois.

Enregistrés par l'Union des Républiques socialistes soviétiques le 26 mai 1976.

[TRANSLATION — TRADUCTION]

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

The Government of the Union of Soviet Socialist Republics and the Government of Sweden,

Having regard to the Commercial Agreement of 15 March 1924² between the Soviet Union and Sweden and desiring further to develop shipping between the two countries and to promote the development of international 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:

(a) The term “territory” means in the case of either Contracting Party the land and maritime territory under the sovereignty of that Party;

(b) The term “vessel of a Contracting Party” means any craft, including air-cushion craft, registered in the territory of that Party in conformity with its legislation. However, the term does not include warships or other vessels exercising exclusively the functions of governmental authority and not engaged in activities of a commercial nature or vessels used exclusively for sporting and leisure purposes of a private and non-commercial nature;

(c) The term “crew member” means the master and any other person actually employed for duties on board in the working or service of a vessel and included on the crew list;

(d) The term “national” means in the case of either Contracting Party a person recognized as a national of that Party.

Article 2. 1. The Contracting Parties agree to follow in international shipping the principles of free and fair competition. In particular, each Contracting Party shall abstain from taking measures which may limit the opportunities of vessels of the other Contracting Party to compete in relation to trade between its own ports and the ports of the other Contracting Party on equal commercial terms and shall in general apply the above principles also to trade between its ports and the ports of third countries.

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

Article 3. Each Contracting Party shall, without prejudice to the provisions of this Agreement, apply its own laws and regulations in so far as relates to the access to and stay in its territory of foreign vessels and persons, the maintenance of law and order, customs and health control, pilotage and traffic, radiocommunications, the security of vessels and ports, the preservation of human life and cargoes at sea and the prevention of marine pollution.

¹ Came into force on 5 May 1973, i.e. 30 days after the date of its signature, in accordance with article 20 (1).

² League of Nations, *Treaty Series*, vol. XXV, p. 251.

Article 4. 1. Each Contracting Party shall, in ports open to foreign vessels, afford the same treatment to vessels of the other Party as to its own vessels engaged in international trade in respect of their entry into and exit from the said ports, in respect of their stay therein for the purpose of loading and unloading cargo and baggage, embarking and disembarking passengers, taking on fuel and provisions, emptying dirty ballast water, repairs and other port services normally provided for the purposes of navigation and related commercial activities, and in respect of the taxes and charges imposed by the competent authorities.

2. The provisions of paragraph 1 shall not give vessels of one Contracting Party the right to engage in the territory of the other Contracting Party in activities which under the law of that other Party are reserved for national organizations and enterprises, such as pilotage, in-port tug services, cabotage and commercial fishing.

Article 5. The Contracting Parties shall, within the limits of their legislation and port regulations, take the necessary measures in order, in so far as possible, to reduce the time during which vessels lie in their ports and, in particular, to simplify the application of existing passport, customs and health formalities.

Shipping companies and vessels of either Contracting Party shall, in this regard, be afforded the same favourable treatment as shipping companies and vessels of any other country.

Article 6. Each Contracting Party shall recognize the nationality of vessels of the other Contracting Party on the basis of the documents issued to such vessels by the competent authorities of that other Party.

Article 7. Tonnage certificates and other ship's papers issued or approved by one Contracting Party shall be recognized by the other Party. Any vessel of one Contracting Party furnished with a lawfully issued tonnage certificate shall accordingly be exempt from remeasurement in the ports of the other Party. The said tonnage certificates shall be taken as the basis for computing harbour dues and other shipping charges.

Article 8. Each Contracting Party shall recognize crew members' identity documents issued by the competent authorities of the other Party to a crew member who is a national of the latter Party.

The said identity documents shall be:

- in the case of the USSR, a USSR seaman's passport;
- in the case of Sweden, a passport or a Swedish seaman's book.

The Party issuing such an identity document shall guarantee the bearer readmission to its territory.

Article 9. 1. A member of the crew of a vessel of one Contracting Party who is in possession of one of the documents referred to in article 8 may, while the vessel is in a port of the other Contracting Party, temporarily leave the vessel and visit the main population centre in whose port the vessel is lying, provided that he is included in the list of crew members delivered by the master to the authorities responsible for passport control.

Such temporary stays by crew members, which shall not be deemed to constitute entry into the country, may take place without a visa.

2. Where a crew member as described in paragraph 1 requires hospital treatment in the territory of the other Contracting Party, the competent authorities of that Party shall permit him to remain in the said territory as long as necessary.

Article 10. 1. A national of one Contracting Party who is in possession of one of the documents referred to in article 8 may obtain a visa for a stay of not more than 14 days in the territory of the other Contracting Party if he has entered the said territory as a member of the crew of a vessel and is discharged there or, whether or not he has been discharged, if he leaves the vessel in order to return to his home country; if he has entered the said territory in some other manner in order, either there or in a third country, to join a vessel on which he is employed or is to take up employment as a crew member, or in order to return from such a vessel in a third country to his home country.

2. In the cases referred to in paragraph 1, a visa shall be issued as quickly as possible.

Article 11. The provisions of articles 9 and 10 shall apply respectively to persons of neither Swedish nor Soviet nationality who are in possession of an identity document conforming to the provisions of the Convention of 9 April 1965¹ on facilitation of international maritime traffic and the annex thereto or issued pursuant to the Convention No. 108² of the International Labour Organisation. Such an identity document must have been issued by a State which is itself a party to the Convention and must contain a guarantee to the effect that the holder can return to the country where the document was issued.

Article 12. The provisions of articles 9 and 10 shall, in so far as possible, be applied to persons of neither Swedish nor Soviet nationality who are in possession of a document other than those provided for in article 11.

Article 13. However, persons who are in possession of one of the documents referred to in articles 8, 11 and 12 may be refused the right to stay in the territory of a Contracting Party if the competent authorities of that Party regard them as undesirable.

Article 14. 1. The judicial authorities of one Contracting Party shall not entertain civil proceedings concerning contracts for the performance of work as a crew member on board a vessel of the other Contracting Party.

2. Where a member of the crew of a vessel of one Contracting Party commits a crime on board the said vessel while it is in the territory of the other Contracting Party, the authorities of the coastal State shall not institute legal proceedings against him without the consent of a competent diplomatic or consular official of the vessel's flag State. Such consent shall not, however, be required if the crime:

- (a) is directed against the State in which the vessel is present, or is committed against a national or a body corporate or against the authorities or other public interests of that State; or
- (b) is committed by a national of the State in whose territory the vessel is present or by a person resident in that State; or
- (c) constitutes a serious crime against life, health or personal safety.

¹ United Nations, *Treaty Series*, vol. 591, p. 265.

² *Ibid.*, vol. 389, p. 277.

Article 15. 1. Where a vessel of one Contracting Party runs aground on a shoal or is wrecked off the coast of the other Party, such vessel and its cargo shall enjoy the same rights and privileges in the territory of that other Party as the law of the country grants in the same circumstances to the latter's own vessels and their cargoes.

Any necessary aid and assistance shall at all times be afforded to the master crew and passengers both personally and with respect to the vessel and cargo.

2. If the vessel referred to in paragraph 1 of this article, its cargo and equipment and other articles from the vessel are not used in the country in question and are subsequently removed therefrom, they shall not be liable to customs duty or other charges.

Article 16. Each Contracting Party shall exempt shipping companies of the other Contracting Party from the payment of taxes on income and property in accordance with the provisions of the Protocol annexed to this Agreement.

Article 17. Having regard to the fact that the legislation of the two Contracting Parties does not exclude the possibility of the establishment by shipping companies of one Contracting Party of offices in the territory of the other Contracting Party, the competent authorities of the two Contracting Parties shall, at such time as they deem appropriate, agree on conditions for the reciprocal establishment of such offices.

Article 18. The Contracting Parties shall, within the limits of their respective legislation, continue their efforts to support and develop co-operation, by means of joint consultations and the exchange of information, between the authorities responsible for maritime transport in their countries.

The Contracting Parties shall also encourage the exchange of services by shipping companies and shipping organizations of the two countries.

Article 19. 1. A mixed Commission composed of representatives of the two Contracting Parties shall be established for the purpose of discussing matters relating to the implementation of this Agreement.

2. The said Commission shall meet at the request of either Contracting Party alternately in the territory of each Party.

Article 20. 1. This Agreement shall enter into force 30 days after the date of its signature.

2. This Agreement shall remain in force until such time as one of the Contracting Parties denounces it by giving six months' notice to that effect.

IN WITNESS WHEREOF the undersigned, being duly authorized for the purpose, have signed this Agreement.

DONE at Stockholm on 5 April 1973, in duplicate, in the Russian and Swedish languages, both texts being equally authentic.

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

For the Government
of Sweden:
[B. NORLING]

PROTOCOL¹ ON THE RECIPROCAL EXEMPTION OF SHIPPING COMPANIES FROM PAYMENT OF TAX

In amplification of the provisions of article 16 of the Agreement of 5 April 1973 between the Government of the Union of Soviet Socialist Republics and the Government of Sweden concerning shipping, the Contracting Parties have agreed as follows:

Article 1. 1. Income from international maritime transport effected by a Soviet shipping company, and movable property belonging to the said company and used for such transport shall not be subject to Swedish taxes on income and property.

2. Income from international maritime transport effected by a Swedish shipping company, and movable property belonging to the said company and used for such transport shall not be subject to Soviet taxes on income and property.

3. The provisions of paragraphs 1 and 2 shall also apply to Soviet and Swedish shipping companies which are members of a "pool", a joint transport organization or an international transport company.

Article 2. 1. The term "international transport" shall include every voyage of a vessel used by a Soviet or Swedish company with the exception of voyages wholly restricted to the USSR or Sweden.

2. The term "Swedish shipping company" shall mean any shipping company the actual management of which is exercised in Sweden by an individual resident in Sweden and not in the Soviet Union, by a Swedish body corporate or by the Swedish State.

3. The term "Soviet shipping company" shall mean any shipping company the actual management of which is exercised in the Soviet Union by an individual resident in the Soviet Union and not in Sweden, by a Soviet body corporate or by the Soviet State.

Article 3. This Protocol shall enter into force 30 days after the date of its signature.

The provisions of the Protocol shall apply to income received after the entry into force of the Agreement of 5 April 1973 between the Government of the Union of Soviet Socialist Republics and the Government of Sweden concerning shipping and to assets held at the end of the calendar year of the entry into force of the Agreement and in subsequent years.

Article 4. This Protocol shall remain in force until the expiry of the term of the above-mentioned Agreement and shall not apply to income received after such expiry or to assets held at the end of the calendar year of such expiry and in subsequent years.

IN WITNESS WHEREOF the undersigned, being duly authorized for the purpose, have signed this Protocol.

¹ Came into force on 5 May 1973, i.e. 30 days after the date of its signature, in accordance with article 3.

DONE at Stockholm on 5 April 1973, in duplicate in the Russian and Swedish languages, both texts being equally authentic.

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

For the Government
of Sweden:
[B. NORLING]
