

No. 19284

**UNION OF SOVIET SOCIALIST REPUBLICS
and
GREECE**

**Agreement on merchant shipping. Signed at Moscow on
16 December 1975**

Authentic texts: Russian and Greek.

*Registered by the Union of Soviet Socialist Republics on 20 November
1980.*

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
GRÈCE**

**Accord relatif à la navigation commerciale. Signé à Moscou
le 16 décembre 1975**

Textes authentiques: russe et grec.

*Enregistré par l'Union des Républiques socialistes soviétiques le
20 novembre 1980.*

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE GOVERNMENT OF THE HELLENIC REPUBLIC ON MERCHANT SHIPPING

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

Desiring to develop merchant shipping between the two countries and to contribute to the development of international navigation on the basis of the principles of the freedom of merchant shipping,

Recognizing in this connection that the navigation provisions of the Convention on commerce and navigation between the USSR and Greece of 11 June 1929, which have heretofore met the shipping interests of both countries, now need to be updated,

Have decided to conclude the following Agreement:

Article 1. For the purposes of this Agreement:

1. The term “vessel of a Contracting Party” shall mean any vessel entered in the shipping register of that Party and sailing under its flag. The term shall not however include:

- (a) Warships;
- (b) Vessels performing exclusively administrative or State functions;
- (c) Scientific-research vessels.

2. The term “member of the crew” shall mean the master and any person 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 Contracting Parties shall develop bilateral relations in the field of merchant shipping on the basis of the principles of the freedom of merchant shipping and shall refrain from such actions as might harm the development of international navigation on the basis of those principles.

Article 3. The Contracting Parties shall continue their efforts, within the limits of their respective legislation, to support and develop effective co-operation between the authorities responsible for maritime affairs in their countries. In particular, the Contracting Parties agree to hold mutual consultations and exchange information between their respective authorities responsible for maritime affairs in their countries and to encourage the development of contacts between their respective shipping organizations and enterprises.

Article 4. 1. The Contracting Parties agree to pursue, in international navigation, within feasible limits, the principles of free and fair competition, and specifically to:

¹ Came into force on 27 December 1976, i.e., 30 days after the date of the last of the notifications by which the Contracting Parties informed each other of the completion of the procedures required under their respective Constitutions, in accordance with article 17.

- (a) Promote the participation of vessels of the Union of Soviet Socialist Republics and of the Hellenic Republic in maritime transport between the ports of their countries;
- (b) Co-operate in the removal of obstacles which may impede the development of maritime transport between the ports of their countries;
- (c) Refrain from taking measures which may limit the possibilities for the vessels of the Contracting Parties to participate in maritime transport between the ports of the Contracting Parties and the ports of third countries.

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

Article 5. 1. Each Contracting Party shall accord to the vessels of the other Contracting Party the same treatment that it accords to its own vessels engaged in international transport in respect of free access to ports, the use of ports for loading and unloading, the taking on and discharge of passengers, the payment of shipping and other charges and taxes, the use of navigation services and the execution of normal commercial transactions;

2. The provisions of paragraph 1 of this article shall not:

- (a) Apply to ports which are not open to foreign vessels;
- (b) Affect the regulations concerning the admission and stay of aliens;
- (c) Apply to activities reserved by each Contracting Party for its own organizations or enterprises, including, specifically, the coasting trade, sea fishing, pilotage, towage and salvage;
- (d) Oblige one Contracting Party to extend to the vessels of the other Contracting Party exemptions from the regulations concerning obligatory pilotage granted to its own vessels.

Article 6. 1. Unless otherwise provided for in this Agreement, the Contracting Parties shall grant each other most-favoured-nation treatment in all matters concerning merchant shipping.

2. The provisions of paragraph 1 of this article shall not apply to:

- (a) Benefits arising from a customs union of any kind of which each Contracting Party is, or may become, a member;
- (b) Benefits which each Contracting Party has granted, or may grant, to neighbouring countries.

Article 7. The Contracting Parties shall, within the limits of their legislation and port regulations, as well as their obligations under international law, take all necessary measures to facilitate and expedite maritime transport, to prevent unnecessary delay of vessels and, where possible, to expedite and simplify customs and other formalities in force in ports.

Article 8. 1. Documents certifying the nationality of vessels, tonnage certificates and other ship's papers issued or recognized by one Contracting Party shall also be recognized by the other Party.

2. Vessels of each Contracting Party carrying a lawfully issued tonnage certificate shall be exempt from remeasurement in the ports of the other Party,

and the tonnage of the vessel indicated in the certificate shall be accepted as the basis for calculating port charges of any kind or designation.

Article 9. 1. Each Contracting Party shall recognize the identity documents issued by the competent authorities of the other Contracting Party to crew members who are nationals of that Party and shall grant to the holders of those identity documents the rights laid down in articles 10 and 11 of this Agreement, provided that the conditions indicated in them are met.

These identity documents shall be:

- In the case of the Soviet Union, a USSR seaman's passport;
- In the case of Greece, a Greek seaman's book or Greek passport.

2. The provisions of articles 10 and 11 of this Agreement shall apply *mutatis mutandis* to any person who is neither a Soviet nor a Greek national but who possesses an identity document corresponding to the provisions of the 1965 Convention on Facilitation of International Maritime Traffic¹ and the annex thereto, or issued in accordance with the provisions of the 1958 International Labour Organisation Convention No. 108 concerning Seafarers' National Identity Documents.² 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. The provisions of articles 10 and 11 of this Agreement shall apply in so far as possible to any person who is neither a Soviet nor a Greek national and who possesses an identity document other than those referred to in paragraph 2 of this article.

Article 10. Holders of the seamen's identity documents specified in article 9 of this Agreement shall be permitted, as members of the crew of a vessel of the Contracting Party which issued the relevant identity document, to take shore leave without visas while that vessel is lying in a port of the other Contracting Party, provided that the master of the vessel has submitted the crew list to the competent authorities in accordance with the regulations in force in that port.

When going ashore and returning to the vessel, those persons shall submit to the frontier and customs control in force in that port.

Article 11. 1. Holders of the seamen's identity documents specified in article 9 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 it in transit when travelling to join their vessel, to transfer to another vessel, for repatriation or for any other purpose approved by the authorities of that other Contracting Party.

2. In all the cases referred to in paragraph 1 of this article, seamen 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.

3. Where the holder of a seaman's identity document specified in article 9 of this Agreement is not a national of either of the Contracting Parties, the visas specified in this article for entering or passing through the territory of the other

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

² *Ibid.*, vol. 389, p. 277.

Contracting Party shall be issued, provided that the holder is guaranteed the right to return to the territory of the Contracting Party which issued the seaman's identity document.

Article 12. 1. Except as otherwise provided for in articles 9 to 11 of this Agreement, the regulations governing the admission, stay 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 seamen whom it regards as undesirable.

Article 13. 1. The judicial authorities of one Contracting Party shall not entertain proceedings arising from a contract of service as a member of the crew on board a vessel of the other Contracting Party.

2. Where a member of the crew of a vessel of one Contracting Party commits an offence on board that vessel while it is in the internal waters of the other Contracting Party, the authorities of the latter Party shall not institute legal proceedings against him without the consent of the competent diplomatic or consular authorities of the vessel's flag State, except in cases where:

- (a) The consequences of the offence extend to the territory of the coastal State; or
- (b) The offence committed is of such a nature that it violates the public order or security of the coastal States; or
- (c) The institution of proceedings is necessary for the suppression of illicit traffic in narcotic drugs.

In such cases the competent diplomatic or consular authorities of the vessel's flag State shall be duly informed.

3. The provisions of paragraph 2 of this article shall not affect the right of inspection and investigation which the authorities of each Contracting Party have under their legislation.

Article 14. 1. If a vessel of one Contracting Party is wrecked, runs aground, is cast ashore or sustains any other damage on or near the coast of the other Party, the vessel and its cargo shall enjoy, in the territory of the latter Party, the same treatment as is accorded to a national vessel and cargo.

2. Aid and assistance shall be afforded at all times, and in the same measure as in the case of a national vessel, to the crew and passengers and to the vessel itself and its cargo.

3. Cargo and articles unloaded or salvaged from a vessel in the circumstances described in paragraph 1 of this article shall be exempt from all customs duties unless they are delivered for use or consumption in the territory of the other Contracting Party.

4. Nothing in this article shall affect the right to institute proceedings for salvage or aid in respect of the vessel and its passengers, crew and cargo.

Article 15. The question of the double taxation of income earned from the operation of vessels engaged in international trade shall be regulated by a separate agreement between the Contracting Parties.

Article 16. 1. For the purpose of monitoring the application of this Agreement, a Joint Commission consisting of representatives of the two Parties

shall be established; it shall be convened at the request of either Party. In addition to this general monitoring function, the Commission shall be authorized to draw up recommendations for the competent authorities of the Contracting Parties.

2. The specific composition and programme of work of the Joint Commission referred to in paragraph 1 of this article shall be determined by the competent maritime authorities of the Contracting Parties.

Article 17. Each Contracting Party shall notify the other Party of the completion of the procedures required under its Constitution for the entry into force of this Agreement, which shall enter into force 30 days after the date of the last notification.

This Agreement shall remain in force until the expiry of 12 months after either Contracting Party informs the other Party of its termination of the Agreement.

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

DONE at Moscow on 16 December 1975 in two copies, each in the Russian and Greek languages, both texts being equally authentic.

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

For the Government
of the Hellenic Republic:
[PAPADONGONAS]
