

No. 19478

**UNION OF SOVIET SOCIALIST REPUBLICS
and
NORWAY**

**Agreement concerning navigation. Signed at Moscow on
18 March 1974**

Authentic texts: Russian and Norwegian.

*Registered by the Union of Soviet Socialist Republics on 23 December
1980.*

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
NORVÈGE**

**Accord relatif à la navigation. Signé à Moscou le 18 mars
1974**

Textes authentiques : russe et norvégien.

*Enregistré par l'Union des Républiques socialistes soviétiques le 23 dé-
cembre 1980.*

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
UNION OF SOVIET SOCIALIST REPUBLICS AND THE
GOVERNMENT OF THE KINGDOM OF NORWAY CON-
CERNING NAVIGATION

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

Desiring to promote the further improvement of navigation between the two countries,

Recognizing in that connection that the provisions pertaining to navigation of the Treaty of Commerce and Navigation between the USSR and Norway of 15 December 1925,² which have hitherto served the navigational interests of the two countries, now need to be developed and to be replaced by new and more modern provisions,

Have decided to conclude this Agreement.

Article 1. For the purposes of this Agreement, unless otherwise indicated by the context:

1. The term “vessel of a Contracting Party” means a vessel, other than a warship, which sails under the flag of the Party in question in accordance with its legislation.

2. The term “citizen”, used in connection with a Contracting Party, means a person recognized as a citizen of that Party.

3. The term “crew member” means any person actually employed for duties on board during a voyage in the working or service of a vessel and included in the crew roster.

Article 2. The Contracting Parties shall use every means at their disposal to promote the freedom of merchant navigation and shall refrain from taking any action which might cause harm to the normal development of international navigation.

Article 3. 1. The Contracting Parties agree to follow in international navigation 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 said other Contracting Party on equal commercial terms and shall in general also apply the above principles to trade between its ports and the ports of third countries.

¹ Came into force on 1 March 1975, i. e., 30 days after the date of the last of the notifications by which both Contracting Parties informed each other of the completion of the procedures necessary for its entry into force, in accordance with article 17.

² League of Nations, *Treaty Series*, vol. XLVII, p. 9.

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 4. Each Contracting Party agrees to refrain from taking measures which might place the other Party in a less favourable position than any third State in respect of participation in maritime transport and the treatment of merchant vessels and their crews, passengers and cargos, in so far as those matters are not otherwise regulated in this Agreement.

Article 5. 1. Each Contracting Party shall accord the same treatment to vessels of the other Contracting Party as to its own vessels engaged in international navigation in respect of access to ports, stay therein and departure therefrom, the use of ports for loading and unloading cargo, taking on fuel and water, embarking and disembarking passengers and crew members and the carrying out of related normal commercial activities, and also in respect of the payment of port dues and taxes.

2. The provisions of the preceding paragraph shall not apply:

- (a) To navigation, activities and transport if they are reserved to one Party under the laws of each Party, such as port services, tug services, pilotage, rescue services, national cabotage and marine fishing;
- (b) To ports which are not open to foreign vessels and to ports and navigation channels which are subject to restrictions relating to foreign vessels;
- (c) To formalities relating to the admission and residence of aliens.

Article 6. The Contracting Parties shall, in accordance with their national laws and port regulations, take appropriate measures to facilitate maritime transport, to prevent unnecessary delays to vessels and to simplify as much as possible the carrying out of customs and other formalities in ports.

Article 7. 1. Each Contracting Party shall recognize the nationality of vessels of the other Party on the basis of the documents on board those vessels which have been issued by the competent authorities of that other Contracting Party in accordance with its law and regulations.

2. The authorities of each Contracting Party shall not require remeasurement and shall recognize the tonnage certificates, registration certificates or other national ship's papers of the other Contracting Party if such papers have been issued by the competent authorities of the Contracting Party in question.

Port dues shall be computed on the basis of the papers referred to in the preceding paragraph.

Article 8. Each Contracting Party undertakes not to impose any taxes in respect of navigation on the shipping enterprises or citizens of the other Contracting Party.

Article 9. 1. If a vessel of either Contracting Party runs aground or is wrecked on the coast of the other Party, the vessel and its cargo shall enjoy

the same treatment as is accorded by the laws of that country to its own vessels and their cargoes in the same circumstances. Essential aid and assistance shall be afforded at all times to the master, crew and passengers, both personally and with respect to the vessel and cargo. Nothing in this paragraph shall prejudice claims for remuneration in respect of aid or assistance in the rescue of the vessel, crew, passengers and cargo.

2. The vessel referred to in paragraph 1 of this article, its cargo and equipment and other articles from the vessel shall not be liable to customs duties or other taxes, provided that they are not delivered for local use or consumption.

3. The provisions of paragraph 2 of this article shall not preclude the application of the Contracting Party's laws and regulations relating to the temporary storage of goods.

4. In the circumstances envisaged by this article, the Parties shall in all other respects act in accordance with article 43 of the Consular Convention between the Union of Soviet Socialist Republics and the Kingdom of Norway of 7 December 1971.¹

Article 10. 1. Each Contracting Party shall recognize the seamen's identity documents issued by the competent authorities of the other Party and shall extend to their holders the rights specified in articles 11 and 12 of this Agreement, subject to the conditions indicated therein.

The said identity documents shall be:

- In the case of the Soviet Union: the "USSR seaman's passport";
- In the case of the Kingdom of Norway: the "passport" or "seaman's identity document", conforming to the provisions of International Labour Organisation Convention No. 108.²

2. Each Contracting Party shall, in so far as is possible in practice, also accord treatment similar to that specified in articles 11 and 12 of this Agreement to crew members of a vessel of the other Contracting Party, including individuals who are to take up work on board a vessel of that Party, if they possess a seaman's identity document conforming to the provisions of International Labour Organisation Convention No. 108 and issued by the competent authorities of a State which is not a Party to this Agreement, provided that the said document guarantees that its holder may return to the country in which the document was issued.

3. Those crew members of a vessel of either Contracting Party who possess a valid passport issued by the competent authorities of a country other than the one under whose flag the vessel is sailing shall, with due regard for the immigration regulations in force in the receiving country, be accorded, in so far as possible, the same treatment as crew members who possess the documents referred to in paragraph 2 of this article.

¹ United Nations, *Treaty Series*, vol. 941, p. 33.

² *Ibid.*, vol. 389, p. 278.

Article 11. 1. Crew members of a vessel of either Contracting Party who possess an identity document as referred to in article 10, paragraph 1, of this Agreement may, during the time their vessel lies in port, go ashore without a visa and visit the town in which the port is situated, provided that such persons are entered in the crew roster and that a list of such persons is delivered to the authorities responsible for passport control.

2. Where a crew member referred to in paragraph 1 of this article 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 12. 1. Crew members of a vessel, including persons who are to take up work on board that vessel, shall, if they possess the identity documents referred to in article 10, have the right, regardless of the means of transport used, to enter the territory of the other Contracting Party, to leave its territory, or to pass through its territory in transit in order to join or rejoin their vessel, to transfer to another vessel or to return to their own country, or for any other purpose approved in advance by the authorities of the said other Contracting Party.

2. In all the cases referred to in the preceding paragraph, the person in question must be in possession of a visa of the other Contracting Party. Such visas shall be issued as quickly as possible.

Article 13. 1. Nothing in articles 11 and 12 of this Agreement may be construed as limiting the right of the Contracting Parties to deny admission to or residence in their territories to any person.

2. Each Contracting Party undertakes to take back a crew member of a vessel who has entered the territory of the other Contracting Party in accordance with the provisions of this Agreement.

3. Save as otherwise provided in article 11 of this Agreement, crew members of a vessel belonging to either Contracting Party who possess the identity documents referred to in article 10 shall be subject to the regulations relating to the admission of citizens of foreign States to the territory of the other Contracting Party, their residence therein and their departure therefrom.

Article 14. 1. The authorities of a Contracting Party shall not intervene in matters relating to internal service on board a vessel of the other Contracting Party unless a consular officer of the said other Contracting Party requests or consents to such intervention.

2. The authorities of a Contracting Party shall not intervene in the activities of the master of a vessel of the other Contracting Party if he, with a view to the maintenance of order on board the vessel, takes coercive measures, which may include the arrest of a crew member on board the vessel because the said crew member has committed acts which threaten the safety of the vessel or of the persons and property carried by it, provided that such measures may be taken under the laws of the other Contracting

Party and provided that the said crew member is not treated more severely than is required by the situation, with due regard for humanitarian considerations.

3. The authorities of a Contracting Party shall not consider or intervene in the settlement of disputes between the master and crew members of a vessel of the other Contracting Party which relate to remuneration or a labour contract.

Article 15. 1. The authorities of a Contracting Party shall not initiate a judicial or other intervention in the event of incidents occurring or offences committed on board a vessel of the other Contracting Party except in the following cases:

- (a) If a consular officer of the other Contracting Party requests or consents to the intervention;
- (b) If the offence or the consequences thereof are such as to endanger the peace and public order in the territory or in the port of the first-mentioned Contracting Party or to endanger public safety;
- (c) If persons who are not crew members or who are citizens of the first-mentioned Contracting Party are involved;
- (d) If the offence constitutes a serious crime under the laws of the first-mentioned Contracting Party.

2. The provisions of this article shall not affect the rights of the authorities of the Contracting Parties in all matters relating to the application of customs and health laws and regulations or to the taking of other control measures relating to the safety of vessels and ports, the protection of human life, the security of dangerous cargo, oil pollution and the admission of aliens.

Article 16. 1. The Contracting Parties shall endeavour, within the limits of their legislation, to support and develop effective practical co-operation between their navigational authorities.

2. A mixed commission shall be appointed by agreement between the competent authorities of the Contracting Parties for the purpose of monitoring the implementation of this Agreement; the commission shall be convened at the request of either Contracting Party. The said commission shall be authorized to submit to the Contracting Parties any recommendations which it may consider useful.

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 on the thirtieth day after the date of the last notification.

The Agreement shall remain in force until the expiry of six months after the date on which one of the Contracting Parties informs the other Contracting Party that its validity has ceased.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting Parties have signed this Agreement and have thereto affixed their seals.

DONE at Moscow on 18 March 1974, in duplicate in the Russian and Norwegian languages, both texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics:

[A. KOSYGIN]

For the Government
of the Kingdom of Norway:

[TRYGVE BRATTELI]
