No. 22380

MULTILATERAL

Convention on a Code of Conduct for Liner Conferences (with annex). Concluded at Geneva on 6 April 1974

Authentic texts: English, French, Chinese, Russian and Spanish.
Registered ex officio *on 6 October 1983.*

MULTILATÉRAL

Convention relative à un code de conduite des conférences maritimes (avec annexe). Conclue à Genève le 6 avril 1974

Textes authentiques : anglais, français, chinois, russe et espagnol.
Enregistrée d'office le 6 octobre 1983.

CONVENTION[1] ON A CODE OF CONDUCT FOR LINER CONFERENCES

OBJECTIVES AND PRINCIPLES

The Contracting Parties to the present Convention,

[1] Came into force on 6 October 1983 in respect of the following States, i.e., six months after the date on which not less than 24 States, the combined tonnage of which amounted to at least 25 per cent of world tonnage, had become Contracting Parties by definitive signature or by deposit of an instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations, in accordance with article 49(1):

State	Date of deposit of the instrument of ratification, acceptance (A), approval (AA), accession (a), or definitive signature (s)	
Bangladesh	24 July	1975 *a*
Barbados	29 October	1980 *a*
Benin	27 October	1975 *a*
Bulgaria*	12 July	1979 *a*
Cape Verde	13 January	1978 *a*
Central African Republic	13 May	1977 *a*
Chile	25 June	1975 *s*
China*	23 September	1980 *a*
Congo	26 July	1982 *a*
Costa Rica	27 October	1978
Cuba*	23 July	1976 *a*
Czechoslovakia	4 June	1979 *AA*
Egypt	25 January	1979 *a*
Ethiopia	1 September	1978
Gabon	5 June	1978
Gambia	30 June	1975 *s*
German Democratic Republic*	9 July	1979
Germany, Federal Republic of* (With a declaration of application to Berlin (West).)	6 April	1983
Ghana	24 June	1975
Guatemala	3 March	1976
Guinea	19 August	1980 *a*
Guyana	7 January	1980 *a*
Honduras	12 June	1979 *a*
India*	14 February	1978
Indonesia	11 January	1977
Iraq*	25 October	1978 *a*
Ivory Coast	17 February	1977
Jamaica	20 July	1982 *a*
Jordan	17 March	1980 *a*
Kenya	27 February	1978 *a*
Lebanon	30 April	1982 *a*
Madagascar	23 December	1977 *a*
Malaysia	27 August	1982 *a*
Mali	15 March	1978 *a*
Mauritius	16 September	1980 *a*
Mexico	6 May	1976 *a*
Morocco	11 February	1980 *a*
Netherlands* (For the Kingdom in Europe.)	6 April	1983 *a*
Niger	13 January	1976
Nigeria	10 September	1975 *a*
Pakistan	27 June	1975 *s*
Peru (With a declaration in respect of chapter II, article 2, paragraph 4.)	21 November	1978 *a*
Philippines	2 March	1976
Republic of Korea	11 May	1979 *a*
Romania	7 January	1982 *a*
Senegal	20 May	1977
Sierra Leone	9 July	1979 *a*
Sri Lanka	30 June	1975 *s*
Sudan	16 March	1978 *a*
Togo	12 January	1978
Tunisia	15 March	1979 *a*
Union of Soviet Socialist Republics*	28 June	1979 *A*
United Republic of Cameroon	15 June	1976 *a*
United Republic of Tanzania	3 November	1975 *a*
Uruguay	9 July	1979 *a*
Venezuela	30 June	1975 *s*
Yugoslavia	7 July	1980
Zaire	25 July	1977 *a*

* See p. 203 of this volume for the texts of the reservations and declarations made upon ratification, accession or acceptance.

Subsequently, the Convention came into force for the following State six months after the deposit of an instrument of accession, in accordance with article 49 (2):

State	Date of deposit of the instrument of accession
Trinidad and Tobago (With effect from 3 February 1984).	3 August 1983

Desiring to improve the liner conference system,

Recognizing the need for a universally acceptable code of conduct for liner conferences,

Taking into account the special needs and problems of the developing countries with respect to the activities of liner conferences serving their foreign trade,

Agreeing to reflect in the Code the following fundamental objectives and basic principles:

(*a*) The objective to facilitate the orderly expansion of world sea-borne trade;

(*b*) The objective to stimulate the development of regular and efficient liner services adequate to the requirements of the trade concerned;

(*c*) The objective to ensure a balance of interests between suppliers and users of liner shipping services;

(*d*) The principle that conference practices should not involve any discrimination against the shipowners, shippers or the foreign trade of any country;

(*e*) The principle that conferences hold meaningful consultations with shippers' organizations, shippers' representatives and shippers on matters of common interest, with, upon request, the participation of appropriate authorities;

(*f*) The principle that conferences should make available to interested parties pertinent information about their activities which are relevant to those parties and should publish meaningful information on their activities,

Have agreed as follows:

PART ONE

CHAPTER I. DEFINITIONS

Liner conference or conference

A group of two or more vessel-operating carriers which provides international liner services for the carriage of cargo on a particular route or routes within specified geographical limits and which has an agreement or arrangement, whatever its nature, within the framework of which they operate under uniform or common freight rates and any other agreed conditions with respect to the provision of liner services.

National shipping line

A national shipping line of any given country is a vessel-operating carrier which has its head office of management and its effective control in that country and is recognized as such by an appropriate authority of that country or under the law of that country.

Lines belonging to and operated by a joint venture involving two or more countries and in whose equity the national interests, public and/or private, of those countries have a substantial share and whose head office of management and whose effective control is in one of those countries can be recognized as a national line by the appropriate authorities of those countries.

Third-country shipping line

A vessel-operating carrier in its operations between two countries of which it is not a national shipping line.

Shipper

A person or entity who has entered into, or who demonstrates an intention to enter into, a contractual or other arrangement with a conference or shipping line for the shipment of goods in which he has a beneficial interest.

Shippers' organization

An association or equivalent body which promotes, represents and protects the interests of shippers and, if those authorities so desire, is recognized in that capacity by the appropriate authority or authorities of the country whose shippers it represents.

Goods carried by the conference

Cargo transported by shipping lines members of a conference in accordance with the conference agreement.

Appropriate authority

Either a government or a body designated by a government or by national legislation to perform any of the functions ascribed to such authority by the provisions of this Code.

Promotional freight rate

A rate instituted for promoting the carriage of non-traditional exports of the country concerned.

Special freight rate

A preferential freight rate, other than a promotional freight rate, which may be negotiated between the parties concerned.

CHAPTER II. RELATIONS AMONG MEMBER LINES

Article 1. MEMBERSHIP

(1) Any national shipping line shall have the right to be a full member of a conference which serves the foreign trade of its country, subject to the criteria set out in Article 1(2). Shipping lines which are not national lines in any trade of a conference shall have the right to become full members of that conference, subject to the criteria set out in Article 1(2) and (3) and to the provisions regarding the share of trade as set out in Article 2 as regards third-country shipping lines.

(2) A shipping line applying for membership of a conference shall furnish evidence of its ability and intention, which may include the use of chartered tonnage, provided the criteria of this paragraph are met, to operate a regular, adequate and efficient service on a long-term basis as defined in the conference agreement within the framework of the conference, shall undertake to abide by all the terms and conditions of the conference agreement, and shall deposit a financial guarantee to cover any outstanding financial obligation in the event of subsequent withdrawal, suspension or expulsion from membership, if so required under the conference agreement.

(3) In considering an application for membership by a shipping line which is not a national line in any trade of the conference concerned, in addition to the provisions of Article 1(2), the following criteria, *inter alia,* should be taken into account:

(*a*) The existing volume of the trade on the route or routes served by the conference and prospects for its growth;

(*b*) The adequacy of shipping space for the existing and prospective volume of trade on the route or routes served by the conference;

(*c*) The probable effect of admission of the shipping line to the conference on the efficiency and quality of the conference service;

(*d*) The current participation of the shipping line in trade on the same route or routes outside the framework of a conference; and

(*e*) The current participation of the shipping line on the same route or routes within the framework of another conference.

The above criteria shall not be applied so as to subvert the implementation of the provisions relating to participation in trade set out in Article 2.

(4) An application for admission or readmission to membership shall be promptly decided upon and the decision communicated by a conference to an applicant promptly, and in no case later than six months from the date of application. When a shipping line is refused admission or readmission, the conference shall, at the same time, give in writing the grounds for such refusal.

(5) When considering applications for admission, a conference shall take into account the views put forward by shippers and shippers' organizations of the countries whose trade is carried by the conference, as well as the views of appropriate authorities if they so request.

(6) In addition to the criteria for admission set out in Article 1(2), a shipping line applying for readmission shall also give evidence of having fulfilled its obligations in accordance with Article 4(1) and (4). The conference may give special scrutiny to the circumstances under which the line left the conference.

Article 2. PARTICIPATION IN TRADE

(1) Any shipping line admitted to membership of a conference shall have sailing and loading rights in the trades covered by that conference.

(2) When a conference operates a pool, all shipping lines members of the conference serving the trade covered by the pool shall have the right to participate in the pool for that trade.

(3) For the purpose of determining the share of trade which member lines shall have the right to acquire, the national shipping lines of each country, irrespective of the number of lines, shall be regarded as a single group of shipping lines for that country.

(4) When determining a share of trade within a pool of individual member lines and/or groups of national shipping lines in accordance with Article 2(2), the following principles regarding their right of participation in the trade carried by the conference shall be observed, unless otherwise mutually agreed:

(*a*) The group of national shipping lines of each of two countries the foreign trade between which is carried by the conference shall have equal rights to participate in the freight and volume of traffic generated by their mutual foreign trade and carried by the conference;

(*b*) Third-country shipping lines, if any, shall have the right to acquire a significant part, such as 20 per cent, in the freight and volume of traffic generated by that trade.

(5) If, for any one of the countries whose trade is carried by a conference, there are no national shipping lines participating in the carriage of that trade, the share of the trade to which national shipping lines of that country would be entitled

under Article 2(4) shall be distributed among the individual member lines participating in the trade in proportion to their respective shares.

(6) If the national shipping lines of one country decide not to carry their full share of the trade, that portion of their share of the trade which they do not carry shall be distributed among the individual member lines participating in the trade in proportion to their respective shares.

(7) If the national shipping lines of the countries concerned do not participate in the trade between those countries covered by a conference, the shares of trade carried by the conference between those countries shall be allocated between the participating member lines of third countries by commercial negotiations between those lines.

(8) The national shipping lines of a region, members of a conference, at one end of the trade covered by the conference, may redistribute among themselves by mutual agreement the shares in trades allocated to them, in accordance with Article 2(4) to (7) inclusive.

(9) Subject to the provisions of Article 2(4) to (8) inclusive regarding shares of trade among individual shipping lines or groups of shipping lines, pooling or trade-sharing agreements shall be reviewed by the conference periodically, at intervals to be stipulated in those agreements and in accordance with criteria to be specified in the conference agreement.

(10) The application of the present Article shall commence as soon as possible after entry into force of the present Convention and shall be completed within a transition period which in no case shall be longer than two years, taking into account the specific situation in each of the trades concerned.

(11) Shipping lines members of a conference shall be entitled to operate chartered ships to fulfil their conference obligations.

(12) The criteria for sharing and the revision of shares as set out in Article 2(1) to (11) inclusive shall apply when, in the absence of a pool, there exists berthing, sailing and/or any other form of cargo allocation agreement.

(13) Where no pooling, berthing, sailing or other trade participation agreements exist in a conference, either group of national shipping lines, members of the conference, may require that pooling arrangements be introduced, in respect of the trade between their countries carried by the conference, in conformity with the provisions of Article 2(4); or alternatively they may require that the sailings be so adjusted as to provide an opportunity to these lines to enjoy substantially the same rights to participate in the trade between those two countries carried by the conference as they would have enjoyed under the provisions of Article 2(4). Any such request shall be considered and decided by the conference. If there is no agreement to institute such a pool or adjustment of sailings among the members of the conference, the groups of national shipping lines of the countries at both ends of the trade shall have a majority vote in deciding to establish such a pool or adjustment of sailings. The matter shall be decided upon within a period not exceeding six months from the receipt of the request.

(14) In the event of a disagreement between the national shipping lines of the countries at either end whose trade is served by the conference with regard to whether or not pooling shall be introduced, they may require that within the conference sailings be so adjusted as to provide an opportunity to these lines to enjoy substantially the same rights to participate in the trade between those two countries carried by the

conference as they would have enjoyed under the provisions of Article 2(4). In the event that there are no national shipping lines in one of the countries whose trade is served by the conference, the national shipping line or lines of the other country may make the same request. The conference shall use its best endeavours to meet this request. If, however, this request is not met, the appropriate authorities of the countries at both ends of the trade may take up the matter if they so wish and make their views known to the parties concerned for their consideration. If no agreement is reached, the dispute shall be dealt with in accordance with the procedures established in this Code.

(15) Other shipping lines, members of a conference, may also request that pooling or sailing agreements be introduced, and the request shall be considered by the conference in accordance with the relevant provisions of this Code.

(16) A conference shall provide for appropriate measures in any conference pooling agreement to cover cases where the cargo has been shut out by a member line for any reason excepting late presentation by the shipper. Such agreement shall provide that a vessel with unbooked space, capable of being used, be allowed to lift the cargo, even in excess of the pool share of the line in the trade, if otherwise the cargo would be shut out and delayed beyond a period set by the conference.

(17) The provisions of Article 2(1) to (16) inclusive concern all goods regardless of their origin, their destination or the use for which they are intended, with the exception of military equipment for national defence purposes.

Article 3. Decision-making procedures

The decision-making procedures embodied in a conference agreement shall be based on the principle of equality of all the full member lines; these procedures shall ensure that the voting rules do not hinder the proper work of the conference and the service of the trade and shall define the matters on which decisions will be made by unanimity. However, a decision cannot be taken in respect of matters defined in a conference agreement relating to the trade between two countries without the consent of the national shipping lines of those two countries.

Article 4. Sanctions

(1) A shipping line member of a conference shall be entitled, subject to the provisions regarding withdrawal which are embodied in pool schemes and/or cargo-sharing arrangements, to secure its release, without penalty, from the terms of the conference agreement after giving three months' notice, unless the conference agreement provides for a different time period, although it shall be required to fulfil its obligations as a member of the conference up to the date of its release.

(2) A conference may, upon notice to be specified in the conference agreement, suspend or expel a member for significant failure to abide by the terms and conditions of the conference agreement.

(3) No expulsion or suspension shall become effective until a statement in writing of the reasons therefor has been given and until any dispute has been settled as provided in chapter VI.

(4) Upon withdrawal or expulsion, the line concerned shall be required to pay its share of the outstanding financial obligations of the conference, up to the date of its withdrawal or expulsion. In cases of withdrawal, suspension or expulsion, the line shall not be relieved of its own financial obligations under the conference agreement or of any of its obligations towards shippers.

Article 5. SELF-POLICING

(1) A conference shall adopt and keep up to date an illustrative list, which shall be as comprehensive as possible, of practices which are regarded as malpractices and/or breaches of the conference agreement and shall provide effective self-policing machinery to deal with them, with specific provisions requiring:

(*a*) The fixing of penalties or a range of penalties for malpractices or breaches, to be commensurate with their seriousness;

(*b*) The examination and impartial review of an adjudication of complaints, and/or decisions taken on complaints, against malpractices or breaches, by a person or body unconnected with any of the shipping lines members of the conference or their affiliates, on request by the conference or any other party concerned;

(*c*) The reporting, on request, on the action taken in connexion with complaints against malpractices and/or breaches, and on a basis of anonymity for the parties concerned, to the appropriate authorities of the countries whose trade is served by the conference and of the countries whose shipping lines are members of the conference.

(2) Shipping lines and conferences are entitled to the full co-operation of shippers and shippers' organizations in the endeavour to combat malpractices and breaches.

Article 6. CONFERENCE AGREEMENTS

All conference agreements, pooling, berthing and sailing rights agreements and amendments or other documents directly related to, and which affect, such agreements shall be made available on request to the appropriate authorities of the countries whose trade is served by the conference and of the countries whose shipping lines are members of the conference.

CHAPTER III. RELATIONS WITH SHIPPERS

Article 7. LOYALTY ARRANGEMENTS

(1) The shipping lines members of a conference are entitled to institute and maintain loyalty arrangements with shippers, the form and terms of which are matters for consultation between the conference and shippers' organizations or representatives of shippers. These loyalty arrangements shall provide safeguards making explicit the rights of shippers and conference members. These arrangements shall be based on the contract system or any other system which is also lawful.

(2) Whatever loyalty arrangements are made, the freight rate applicable to loyal shippers shall be determined within a fixed range of percentages of the freight rate applicable to other shippers. Where a change in the differential causes an increase in the rates charged to shippers, the change can be implemented only after 150 days' notice to those shippers or according to regional practice and/or agreement. Disputes in connexion with a change of the differential shall be settled as provided in the loyalty agreement.

(3) The terms of loyalty arrangements shall provide safeguards making explicit the rights and obligations of shippers and of shipping lines members of the conference in accordance with the following provisions, *inter alia:*

(*a*) The shipper shall be bound in respect of cargo whose shipment is controlled by him or his affiliated or subsidiary company or his forwarding agent in accordance with the contract of sale of the goods concerned, provided that the shipper shall not, by evasion, subterfuge, or intermediary, attempt to divert cargo in violation of his loyalty commitment.

(*b*) Where there is a loyalty contract, the extent of actual or liquidated damages and/or penalty shall be specified in the contract. The member lines of the conference may, however, decide to assess lower liquidated damages or to waive the claim to liquidated damages. In any event, the liquidated damages under the contract to be paid by the shipper shall not exceed the freight charges on the particular shipment, computed at the rate provided under the contract.

(*c*) The shipper shall be entitled to resume full loyalty status, subject to the fulfilment of conditions established by the conference which shall be specified in the loyalty arrangement.

(*d*) The loyalty arrangement shall set out:

(i) A list of cargo, which may include bulk cargo shipped without mark or count, which is specifically excluded from the scope of the loyalty arrangement;

(ii) A definition of the circumstances in which cargo other than cargo covered by (i) above is considered to be excluded from the scope of the loyalty arrangement;

(iii) The method of settlement of disputes arising under the loyalty arrangement;

(iv) Provision for termination of the loyalty arrangement on request by either a shipper or a conference without penalty, after expiry of a stipulated period of notice, such notice to be given in writing; and

(v) The terms for granting dispensation.

(4) If there is a dispute between a conference and a shippers' organization representatives of shippers and/or shippers about the form or terms of a proposed loyalty arrangement, either party may refer the matter for resolution under appropriate procedures as set out in this Code.

Article 8. DISPENSATION

(1) Conferences shall provide, within the terms of the loyalty arrangements, that requests by shippers for dispensation shall be examined and a decision given quickly and, if requested, the reasons given in writing where dispensation is withheld. Should a conference fail to confirm, within a period specified in the loyalty arrangement, sufficient space to accommodate a shipper's cargo within a period also specified in the loyalty arrangement, the shipper shall have the right, without being penalized, to utilize any vessel for the cargo in question.

(2) In ports where conference services are arranged subject to the availability of a specified minimum of cargo (i.e. on inducement), but either the shipping line does not call, despite due notice by shippers, or the shipping line does not reply within an agreed time to the notice given by shippers, shippers shall automatically have the right, without prejudicing their loyalty status, to use any available vessel for the carriage of their cargo.

Article 9. AVAILABILITY OF TARIFFS AND RELATED CONDITIONS AND/OR REGULATIONS

Tariffs, related conditions, regulations, and any amendments thereto shall be made available on request to shippers, shippers' organizations and other parties concerned at reasonable cost, and they shall be available for examination at offices of shipping lines and their agents. They shall spell out all conditions concerning the application of freight rates and the carriage of any cargo covered by them.

Article 10. ANNUAL REPORTS

Conferences shall provide annually to shippers' organizations, or to representatives of shippers, reports on their activities designed to provide general information of interest to them, including relevant information about consultations held with shippers and shippers' organizations, action taken regarding complaints, changes in membership, and significant changes in service, tariffs and conditions of carriage. Such annual reports shall be submitted, on request, to the appropriate authorities of the countries whose trade is served by the conference concerned.

Article 11. CONSULTATION MACHINERY

(1) There shall be consultations on matters of common interest between a conference, shippers' organizations, representatives of shippers and, where practicable, shippers, which may be designated for that purpose by the appropriate authority if it so desires. These consultations shall take place whenever requested by any of the above-mentioned parties. Appropriate authorities shall have the right, upon request, to participate fully in the consultations, but this does not mean that they play a decision-making role.

(2) The following matters, *inter alia,* may be the subject of consultation:

(*a*) Changes in general tariff conditions and related regulations;

(*b*) Changes in the general level of tariff rates and rates for major commodities;

(*c*) Promotional and/or special freight rates;

(*d*) Imposition of, and related changes in, surcharges;

(*e*) Loyalty arrangements, their establishment or changes in their form and general conditions;

(*f*) Changes in the tariff classification of ports;

(*g*) Procedure for the supply of necessary information by shippers concerning the expected volume and nature of their cargoes; and

(*h*) Presentation of cargo for shipment and the requirements regarding notice of cargo availability.

(3) To the extent that they fall within the scope of activity of a conference, the following matters may also be the subject of consultation:

(*a*) Operation of cargo inspection services;

(*b*) Changes in the pattern of service;

(*c*) Effects of the introduction of new technology in the carriage of cargo, in particular unitization, with consequent reduction of conventional service or loss of direct services; and

(*d*) Adequacy and quality of shipping services including the impact of pooling, berthing or sailing arrangements on the availability of shipping services and

freight rates at which shipping services are provided; changes in the areas served and in the regularity of calls by conference vessels.

(4) Consultations shall be held before final decisions are taken, unless otherwise provided in this Code. Advance notice shall be given of the intention to take decisions on matters referred to in Article 11(2) and (3). Where this is impossible, urgent decisions may be taken pending the holding of consultations.

(5) Consultations shall begin without undue delay and in any event within a maximum period specified in the conference agreement or, in the absence of such a provision in the agreement, not later than 30 days after receipt of the proposal for consultations, unless different periods of time are provided in this Code.

(6) When holding consultations, the parties shall use their best efforts to provide relevant information, to hold timely discussions and to clarify matters for the purpose of seeking solutions of the issues concerned. The parties involved shall take account of each other's views and problems and strive to reach agreement consistent with their commercial viability.

CHAPTER IV. FREIGHT RATES

Article 12. CRITERIA FOR FREIGHT-RATE DETERMINATION

In arriving at a decision on questions of tariff policy in all cases mentioned in this Code, the following points shall, unless otherwise provided, be taken into account:

(*a*) Freight rates shall be fixed at as low a level as is feasible from the commercial point of view and shall permit a reasonable profit for shipowners;

(*b*) The cost of operations of conferences shall, as a rule, be evaluated for the round voyage of ships, with the outward and inward directions considered as a single whole. Where applicable, the outward and inward voyage should be considered separately. The freight rates should take into account, among other factors, the nature of cargoes, the interrelation between weight and cargo measurement, as well as the value of cargoes;

(*c*) In fixing promotional freight rates and/or special freight rates for specific goods, the conditions of trade for these goods of the countries served by the conference, particularly of developing and land-locked countries, shall be taken into account.

Article 13. CONFERENCE TARIFFS AND CLASSIFICATION OF TARIFF RATES

(1) Conference tariffs shall not unfairly differentiate between shippers similarly situated. Shipping lines members of a conference shall adhere strictly to the rates, rules and terms shown in the tariffs and other currently valid published documents of the conference and to any special arrangements permitted under this Code.

(2) Conference tariffs should be drawn up simply and clearly, containing as few classes/categories as possible, depending on the particular requirements of a trade, specifying a freight rate for each commodity and, where appropriate, for each class/category; they should also indicate, wherever practicable, in order to facilitate statistical compilation and analysis, the corresponding appropriate code number of the item in accordance with the Standard International Trade Classification, the Brussels Tariff Nomenclature or any other nomenclature that may be internationally adopted; the classification of commodities in the tariffs should, as far as practicable, be prepared in co-operation with shippers' organizations and other national and international organizations concerned.

Article 14. GENERAL FREIGHT-RATE INCREASES

(1) A conference shall give notice of not less than 150 days, or according to regional practice and/or agreement, to shippers' organizations or representatives of shippers and/or shippers and, where so required, to appropriate authorities of the countries whose trade is served by the conference, of its intention to effect a general increase in freight rates, an indication of its extent, the date of effect and the reasons supporting the proposed increase.

(2) At the request of any of the parties prescribed for this purpose in this Code, to be made within an agreed period of time after the receipt of the notice, consultations shall commence, in accordance with the relevant provisions of this Code, within a stipulated period not exceeding 30 days or as previously agreed between the parties concerned; the consultations shall be held in respect of the bases and amounts of the proposed increase and the date from which it is to be given effect.

(3) A conference, in an effort to expedite consultations, may, or upon the request of any of the parties prescribed in this Code as entitled to participate in consultations on general freight-rate increases shall, where practicable, reasonably before the consultations, submit to the participating parties a report from independent accountants of repute, including, where the requesting parties accept it as one of the bases of consultations, an aggregated analysis of data regarding relevant costs and revenues which in the opinion of the conference necessitate an increase in freight rates.

(4) If agreement is reached as a result of the consultations, the freight-rate increase shall take effect from the date indicated in the notice served in accordance with Article 14(1), unless a later date is agreed upon between the parties concerned.

(5) If no agreement is reached within 30 days of the giving of notice in accordance with Article 14(1), and subject to procedures prescribed in this Code, the matter shall be submitted immediately to international mandatory conciliation. in accordance with chapter VI. The recommendation of the conciliators, if accepted by the parties concerned, shall be binding upon them and shall be implemented, subject to the provisions of Article 14(9), with effect from the date mentioned in the conciliators' recommendation.

(6) Subject to the provisions of Article 14(9), a general freight-rate increase may be implemented by a conference pending the conciliators' recommendation. When making their recommendation, the conciliators should take into account the extent of the above-mentioned increase made by the conference and the period for which it has been in force. In the event that the conference rejects the recommendation of the conciliators, shippers and/or shippers' organizations shall have the right to consider themselves not bound, after appropriate notice, by any arrangement or other contract with that conference which may prevent them from using non-conference shipping lines. Where a loyalty arrangement exists, shippers and/or shippers' organizations shall give notice within a period of 30 days to the effect that they no longer consider themselves bound by that arrangement, which notice shall apply from the date mentioned therein, and a period of not less than 30 days and not more than 90 days shall be provided in the loyalty arrangement for this purpose.

(7) A deferred rebate which is due to the shipper and which has already been accumulated by the conference shall not be withheld by, or forfeited to, the conference as a result of action by the shipper under Article 14(6).

(8) If the trade of a country carried by shipping lines members of a conference on a particular route consists largely of one or few basic commodities, any increase in

the freight rate on one or more of those commodities shall be treated as a general freight-rate increase, and the appropriate provisions of this Code shall apply.

(9) Conferences should institute any general freight-rate increase effective in accordance with this Code for a period of a stated minimum duration, subject always to the rules regarding surcharges and regarding adjustment in freight rates consequent upon fluctuations in foreign exchange rates. The period over which a general freight-rate increase is to apply is an appropriate matter to be considered during consultations conducted in accordance with Article 14(2), but unless otherwise agreed between the parties concerned during the consultations, the minimum period of time between the date when one general freight-rate increase becomes effective and the date of notice for the next general freight-rate increase given in accordance with Article 14(1) shall not be less than 10 months.

Article 15. PROMOTIONAL FREIGHT RATES

(1) Promotional freight rates for non-traditional exports should be instituted by conferences.

(2) All necessary and reasonable information justifying the need for a promotional freight rate shall be submitted to a conference by the shippers, shippers' organizations or representatives of shippers concerned.

(3) Special procedures shall be instituted providing for a decision within 30 days from the date of receipt of that information, unless mutually agreed otherwise, on applications for promotional freight rates. A clear distinction shall be made between these and general procedures for considering the possibility of reducing freight rates for other commodities or of exempting them from increases.

(4) Information regarding the procedures for considering applications for promotional freight rates shall be made available by the conference to shippers and/or shippers' organizations and, on request, to the governments and/or other appropriate authorities of the countries whose trade is served by the conference.

(5) A promotional freight rate shall be established normally for a period of 12 months, unless otherwise mutually agreed between the parties concerned. Prior to the expiry of the period, the promotional freight rate shall be reviewed, on request by the shipper and/or shippers' organization concerned, when it shall be a matter for the shipper and/or shippers' organization, at the request of the conference, to show that the continuation of the rate is justified beyond the initial period.

(6) When examining a request for a promotional freight rate, the conference may take into account that, while the rate should promote the export of the non-traditional product for which it is sought, it is not likely to create substantial competitive distortions in the export of a similar product from another country served by the conference.

(7) Promotional freight rates are not excluded from the imposition of a surcharge or a currency adjustment factor in accordance with Articles 16 and 17.

(8) Each shipping line member of a conference serving the relevant ports of a conference trade shall accept, and not unreasonably refuse, a fair share of cargo for which a promotional freight rate has been established by the conference.

Article 16. SURCHARGES

(1) Surcharges imposed by a conference to cover sudden or extraordinary increases in costs or losses of revenue shall be regarded as temporary. They shall be reduced in accordance with improvements in the situation or circumstances which

they were imposed to meet and shall be cancelled, subject to Article 16(6), as soon as the situation or circumstances which prompted their imposition cease to prevail. This shall be indicated at the moment of their imposition, together, as far as possible, with a description of the change in the situation or circumstances which will bring about their increase, reduction or cancellation.

(2) Surcharges imposed on cargo moving to or from a particular port shall likewise be regarded as temporary and likewise shall be increased, reduced or cancelled, subject to Article 16(6), when the situation in that port changes.

(3) Before any surcharge is imposed, whether general or covering only a specific port, notice should be given and there shall be consultation, upon request, in accordance with the procedures of this Code, between the conference concerned and other parties directly affected by the surcharge and prescribed in this Code as entitled to participate in such consultations, save in those exceptional circumstances which warrant immediate imposition of the surcharge. In cases where a surcharge has been imposed without prior consultation, consultations, upon request, shall be held as soon as possible thereafter. Prior to such consultations, conferences shall furnish data which in their opinion justify the imposition of the surcharge.

(4) Unless the parties agree otherwise, within a period of 15 days after the receipt of a notice given in accordance with Article 16(3), if there is no agreement on the question of the surcharge between the parties concerned referred to in that Article, the relevant provisions for settlement of disputes provided in this Code shall prevail. Unless the parties concerned agree otherwise, the surcharge may, however, be imposed pending resolution of the dispute, if the dispute still remains unresolved at the end of a period of 30 days after the receipt of the abovementioned notice.

(5) In the event of a surcharge being imposed in exceptional circumstances without prior consultation as provided in Article 16(3), if no agreement is reached through subsequent consultations, the relevant provisions for settlement of disputes provided in this Code shall prevail.

(6) Financial loss incurred by the shipping lines members of a conference as a result of any delay on account of consultations and/or other proceedings for resolving disputes regarding imposition of surcharges in accordance with the provisions of this Code, as compared to the date from which the surcharge was to be imposed in terms of the notice given in accordance with Article 16(3), may be compensated by an equivalent prolongation of the surcharge before its removal. Conversely, for any surcharge imposed by the conference and subsequently determined and agreed to be unjustified or excessive as a result of consultations or other procedures prescribed in this Code, the amounts so collected or the excess thereof as determined hereinabove, unless otherwise agreed, shall be refunded to the parties concerned, if claimed by them, within a period of 30 days of such claim.

Article 17. Currency changes

(1) Exchange rate changes, including formal devaluation or revaluation, which lead to changes in the aggregate operational costs and/or revenues of the shipping lines members of a conference relating to their operations within the conference provide a valid reason for the introduction of a currency adjustment factor or for a change in the freight rates. The adjustment or change shall be such that in the aggregate the member lines concerned neither gain nor lose, as far as possible, as a result of the adjustment or change. The adjustment or change may take the form of currency surcharges or discounts or of increases or decreases in the freight rates.

(2) Such adjustments or changes shall be subject to notice, which should be arranged in accordance with regional practice, where such practice exists, and there shall be consultations in accordance with the provisions of this Code between the conference concerned and the other parties directly affected and prescribed in this Code as entitled to participate in consultations, save in those exceptional circumstances which warrant immediate imposition of the currency adjustment factor or freight-rate change. In the event that this has been done without prior consultation, consultations shall be held as soon as possible thereafter. The consultations should be on the application, size and date of implementation, of the currency adjustment factor or freight-rate change, and the same procedures shall be followed for this purpose as are prescribed in Article 16(4) and (5) in respect of surcharges. Such consultations should take place and be completed within a period not exceeding 15 days from the date when the intention to apply a currency surcharge or to effect a freight-rate change is announced.

(3) If no agreement is reached within 15 days through consultations, the relevant provisions for settlement of disputes provided in this Code shall prevail.

(4) The provisions of Article 16(6) shall apply, adapted as necessary, to currency adjustment factors and freight-rate changes dealt with in the present Article.

CHAPTER V. OTHER MATTERS

Article 18. FIGHTING SHIPS

Members of a conference shall not use fighting ships in the conference trade for the purpose of excluding, preventing or reducing competition by driving a shipping line not a member of the conference out of the said trade.

Article 19. ADEQUACY OF SERVICE

(1) Conferences should take necessary and appropriate measures to ensure that their member lines provide regular, adequate and efficient service of the required frequency on the routes they serve and shall arrange such services so as to avoid as far as possible bunching and gapping of sailings. Conferences should also take into consideration any special measures necessary in arranging services to handle seasonal variations in cargo volumes.

(2) Conferences and other parties prescribed in this Code as entitled to participate in consultations, including appropriate authorities if they so desire, should keep under review, and should maintain close co-operation regarding, the demand for shipping space, the adequacy and suitability of service, and in particular the possibilities for rationalization and for increasing the efficiency of services. Benefits identified as accruing from rationalization of services shall be fairly reflected in the level of freight rates.

(3) In respect of any port for which conference services are supplied only subject to the availability of a specified minimum of cargo, that minimum shall be specified in the tariff. Shippers should give adequate notice of the availability of such cargo.

Article 20. HEAD OFFICE OF A CONFERENCE

A conference shall as a rule establish its head office in a country whose trade is served by that conference, unless agreed otherwise by the shipping lines members of that conference.

Article 21. REPRESENTATION

Conferences shall establish local representation in all countries served, except that where there are practical reasons to the contrary the representation may be on a regional basis. The names and addresses of representatives shall be readily available, and these representatives shall ensure that the views of shippers and conferences are made rapidly known to each other with a view to expediting prompt decisions. When a conference considers it suitable, it shall provide for adequate delegation of powers of decision to its representatives.

Article 22. CONTENTS OF CONFERENCE AGREEMENTS, TRADE PARTICIPATION AGREEMENTS AND LOYALTY ARRANGEMENTS

Conference agreements, trade participation agreements and loyalty arrangements shall conform to the applicable requirements of this Code and may include such other provisions as may be agreed which are not inconsistent with this Code.

PART TWO

CHAPTER VI. PROVISIONS AND MACHINERY FOR SETTLEMENT OF DISPUTES

A. GENERAL PROVISIONS

Article 23

(1) The provisions of this chapter shall apply whenever there is a dispute relating to the application or operation of the provisions of this Code between the following parties:

(*a*) A conference and a shipping line;

(*b*) The shipping lines members of a conference;

(*c*) A conference or a shipping line member thereof and a shippers' organization or representatives of shippers or shippers; and

(*d*) Two or more conferences.

For the purposes of this chapter the term "party" means the original parties to the dispute as well as third parties which have joined the proceedings in accordance with (*a*) of Article 34.

(2) Disputes between shipping lines of the same flag, as well as those between organizations belonging to the same country, shall be settled within the framework of the national jurisdiction of that country, unless this creates serious difficulties in the fulfilment of the provisions of this Code.

(3) The parties to a dispute shall first attempt to settle it by an exchange of views or direct negotiations with the intention of finding a mutually satisfactory solution.

(4) Disputes between the parties referred to in Article 23(1) relating to:

(*a*) Refusal of admission or a national shipping line to a conference serving the foreign trade of the country of that shipping line;

(*b*) Refusal of admission of a third-country shipping line to a conference;

(*c*) Expulsion from a conference;

(*d*) Inconsistency of a conference agreement with this Code;

(*e*) A general freight-rate increase;

(*f*) Surcharges;

(*g*) Changes in freight rates or the imposition of a currency adjustment factor due to exchange rate changes;

(*h*) Participation in trade; and

(*i*) The form and terms of proposed loyalty arrangements

which have not been resolved through an exchange of views or direct negotiations shall, at the request of any of the parties to the dispute, be referred to international mandatory conciliation in accordance with the provisions of this chapter.

Article 24

(1) The conciliation procedure is initiated at the request of one of the parties to the dispute.

(2) The request shall be made:

(*a*) In disputes relating to membership of conferences: not later than 60 days from the date of receipt by the applicant of the conference decision, including the reasons therefor, in accordance with Articles 1(4) and 4(3);

(*b*) In disputes relating to general freight-rate increases: not later than the date of expiry of the period of notice specified in Article 14(1);

(*c*) In disputes relating to surcharges: not later than the date of expiry of the 30-day period specified in Article 16(4) or, where no notice has been given, not later than 15 days from the date when the surcharge was put into effect; and

(*d*) In disputes relating to changes in freight rates or the imposition of a currency adjustment factor due to exchange rate changes: not later than five days after the date of expiry of the period specified in Article 17(3).

(3) The provisions of Article 24(2) shall not apply to a dispute which is referred to international mandatory conciliation in accordance with Article 25(3).

(4) Requests for conciliation in disputes other than those referred to in Article 24(2) may be made at any time.

(5) The time-limits specified in Article 24(2) may be extended by agreement between the parties.

(6) A request for conciliation shall be considered to have been duly made if it is proved that the request has been sent to the other party by registered letter, telegram or teleprinter or has been served on it within the time-limits specified in Article 24(2) or (5).

(7) Where no request has been made within the time-limits specified in Article 24(2) or (5), the decision of the conference shall be final and no proceedings under this chapter may be brought by any party to the dispute to challenge that decision.

Article 25

(1) Where the parties have agreed that disputes referred to in Article 23(4) (*a*), (*b*), (*c*), (*d*), (*h*) and (*i*) shall be resolved through procedures other than those established in that Article, or agree on procedures to resolve a particular dispute that has arisen between them, such disputes shall, at the request of any of the parties to the dispute, be resolved as provided for in their agreement.

(2) The provisions of Article 25(1) apply also to the disputes referred to in Article 23(4) (*e*), (*f*) and (*g*), unless national legislation, rules or regulations prevent shippers from having this freedom of choice.

(3) Where conciliation proceedings have been initiated, such proceedings shall have precedence over remedies available under national law. If a party seeks remedies under national law in respect of a dispute to which this chapter applies without invoking the procedures provided for in this chapter, then, upon the request of a respondent to those proceedings, they shall be stayed and the dispute shall be referred to the procedures defined in this chapter by the court or other authority where the national remedies are sought.

Article 26

(1) The Contracting Parties shall confer upon conferences and shippers' organizations such capacity as is necessary for the application of the provisions of this chapter. In particular:

(*a*) A conference or a shippers' organization may institute proceedings as a party or be named as a party to proceedings in its collective capacity;

(*b*) Any notification to a conference or shippers' organization in its collective capacity shall also constitute a notification to each member of such conference or shippers' organization;

(*c*) A notification to a conference or shippers' organization shall be transmitted to the address of the head office of the conference or shippers' organization. Each conference or shippers' organization shall register the address of its head office with the Registrar appointed in accordance with Article 46(1). In the event that a conference or a shippers' organization fails to register or has no head office, a notification to any member in the name of the conference or shippers' organization shall be deemed to be a notification to such conference or organization.

(2) Acceptance or rejection by a conference or shippers' organization of a recommendation by conciliators shall be deemed to be acceptance or rejection of such a recommendation by each member thereof.

Article 27

Unless the parties agree otherwise, the conciliators may decide to make a recommendation on the basis of written submissions without oral proceedings.

B. INTERNATIONAL MANDATORY CONCILIATION

Article 28

In international mandatory conciliation the appropriate authorities of a Contracting Party shall, if they so request, participate in the conciliation proceedings in support of a party being a national of that Contracting Party, or in support of a party having a dispute arising in the context of the foreign trade of that Contracting Party. The appropriate authority may alternatively act as an observer in such conciliation proceedings.

Article 29

(1) In international mandatory conciliation the proceedings shall be held in the place unanimously agreed to by the parties or, failing such agreement, in the place decided upon by the conciliators.

(2) In determining the place of conciliation proceedings the parties and the conciliators shall take into account, *inter alia,* countries which are closely connected with the dispute, bearing in mind the country of the shipping line concerned and, especially when the dispute is related to cargo, the country where the cargo originates.

Article 30

(1) For the purposes of this chapter an International Panel of Conciliators shall be established, consisting of experts of high repute or experience in the fields of law, economics of sea transport, or foreign trade and finance, as determined by the Contracting Parties selecting them, who shall serve in an independent capacity.

(2) Each Contracting Party may at any time nominate members of the Panel up to a total of 12, and shall communicate their names to the Registrar. The nominations shall be for periods of six years each and may be renewed. In the event of the death, incapacity or resignation of a member of the Panel, the Contracting Party which nominated such person shall nominate a replacement for the remainder of his term of office. A nomination takes effect from the date on which the communication of the nomination is received by the Registrar.

(3) The Registrar shall maintain the Panel list and shall regularly inform the Contracting Parties of the composition of the Panel.

Article 31

(1) The purpose of conciliation is to reach an amicable settlement of the dispute through recommendations formulated by independent conciliators.

(2) The conciliators shall identify and clarify the issues in dispute, seek for this purpose any information from the parties, and, on the basis thereof, submit to the parties a recommendation for the settlement of the dispute.

(3) The parties shall co-operate in good faith with the conciliators in order to enable them to carry out their functions.

(4) Subject to the provisions of Article 25(2), the parties to the dispute may at any time during the conciliation proceedings decide in agreement to have recourse to a different procedure for the settlement of their dispute. The parties to a dispute which has been made subject to proceedings other than those provided for in this chapter may decide by mutual agreement to have recourse to international mandatory conciliation.

Article 32

(1) The conciliation proceedings shall be conducted either by one conciliator or by an uneven number of conciliators agreed upon or designated by the parties.

(2) Where the parties cannot agree on the number or the appointment of the conciliators as provided in Article 32(1), the conciliation proceedings shall be conducted by three conciliators, one appointed by each party in the statement(s) of claim and reply respectively, and the third by the two conciliators thus appointed, who shall act as chairman.

(3) If the reply does not name a conciliator to be appointed in cases where Article 32(2) would apply, the second conciliator shall, within 30 days following the receipt of the statement of claim, be chosen by lot by the conciliator appointed in the statement of claim from among the members of the Panel nominated by the Contracting Party or Parties of which the respondent(s) is(are) a national(s).

(4) Where the conciliators appointed in accordance with Article 32(2) or (3) cannot agree on the appointment of the third conciliator within 15 days following the date of the appointment of the second conciliator, he shall, within the following 5 days be chosen by lot by the appointed conciliators. Prior to the drawing by lot:

(*a*) No member of the Panel of conciliators having the same nationality as either of the two appointed conciliators shall be eligible for selection by lot;

(*b*) Each of the two appointed conciliators may exclude from the list of the Panel of conciliators an equal number of them subject to the requirement that at least 30 members of the Panel shall remain eligible for selection by lot.

Article 33

(1) Where several parties request conciliation with the same respondent in respect of the same issue, or of issues which are closely connected, that respondent may request the consolidation of those cases.

(2) The request for consolidation shall be considered and decided upon by majority vote by the chairmen of the conciliators so far chosen. If such request is allowed, the chairmen will designate the conciliators to consider the consolidated cases from among the conciliators so far appointed or chosen, provided that an uneven number of conciliators is chosen and that the conciliator first appointed by each party shall be one of the conciliators considering the consolidated case.

Article 34

Any party, other than an appropriate authority referred to in Article 28, if conciliation has been initiated, may join in the proceedings:

Either

(*a*) As a party, in case of a direct economic interest,

Or

(*b*) As a supporting party to one of the original parties, in case of an indirect economic interest,

unless either of the original parties objects to such joinder.

Article 35

(1) The recommendations of the conciliators shall be made in accordance with the provisions of this Code.

(2) When the Code is silent upon any point, the conciliators shall apply the law which the parties agree at the time the conciliation proceedings commence or thereafter, but not later than the time of submission of evidence to the conciliators. Failing such agreement, the law which in the opinion of the conciliators is most closely connected with the dispute shall be applicable.

(3) The conciliators shall not decide *ex aequo et bono* upon the dispute unless the parties so agree after the dispute has arisen.

(4) The conciliators shall not bring a finding of *non liquet* on the ground of obscurity of the law.

(5) The conciliators may recommend those remedies and reliefs which are provided in the law applicable to the dispute.

Article 36

The recommendations of the conciliators shall include reasons.

Article 37

(1) Unless the parties have agreed before, during or after the conciliation procedure that the recommendation of the conciliators shall be binding, the recommendation shall become binding by acceptance by the parties. A recommendation which has been accepted by some parties to a dispute shall be binding as between those parties only.

(2) Acceptance of the recommendation must be communicated by the parties to the conciliators, at an address specified by them, not later than 30 days after receipt of the notification of the recommendation; otherwise, it shall be considered that the recommendation has not been accepted.

(3) Any party which does not accept the recommendation shall notify the conciliators and the other parties, within 30 days following the period specified in Article 37(2), of its grounds for rejection of the recommendation, comprehensively and in writing.

(4) When the recommendation has been accepted by parties, the conciliators shall immediately draw up and sign a record of settlement, at which time the recommendation shall become binding upon those parties. If the recommendation has not been accepted by all parties, the conciliators shall draw up a report with respect to those parties rejecting the recommendation, noting the dispute and the failure of those parties to settle the dispute.

(5) A recommendation which has become binding upon the parties shall be implemented by them immediately or at such later time as is specified in the recommendation.

(6) Any party may make its acceptance conditional upon acceptance by all or any of the other parties to the dispute.

Article 38

(1) A recommendation shall constitute a final determination of a dispute as between the parties which accept it, except to the extent that the recommendation is not recognized and enforced in accordance with the provisions of Article 39.

(2) "Recommendation" includes an interpretation, clarification or revision of the recommendation made by the conciliators before the recommendation has been accepted.

Article 39

(1) Each Contracting Party shall recognize a recommendation as binding between the parties which have accepted it and shall, subject to the provisions of Article 39(2) and (3), enforce, at the request of any such party, all obligations imposed by the recommendation as if it were a final judgement of a court of that Contracting Party.

(2) A recommendation shall not be recognized and enforced at the request of a party referred to in Article 39(1) only if the court or other competent authority of the country where recognition and enforcement is sought is satisfied that:

(*a*) Any party which accepted the recommendation was, under the law applicable to it, under some legal incapacity at the time of acceptance;

(*b*) Fraud or coercion has been used in the making of the recommendation;

(*c*) The recommendation is contrary to public policy (*ordre public*) in the country of enforcement; or

(*d*) The composition of the conciliators, or the conciliation procedure, was not in accordance with the provisions of this Code.

(3) Any part of the recommendation shall not be enforced and recognized if the court or other competent authority is satisfied that such part comes within any of the subparagraphs of Article 39(2) and can be separated from other parts of the recommendation. If such part cannot be separated, the entire recommendation shall not be enforced and recognized.

Article 40

(1) Where the recommendation has been accepted by all the parties, the recommendation and the reasons therefor may be published with the consent of all the parties.

(2) Where the recommendation has been rejected by one or more of the parties but has been accepted by one or more of the parties:

(*a*) The party or parties rejecting the recommendation shall publish its or their grounds for rejection, given pursuant to Article 37(3), and may at the same time publish the recommendation and the reasons therefor;

(*b*) A party which has accepted the recommendation may publish the recommendation and the reasons therefor; it may also publish the grounds for rejection given by any other party unless such other party has already published its rejection and the grounds therefor in accordance with Article 40(2) (*a*).

(3) Where the recommendation has not been accepted by any of the parties, each party may publish the recommendation and the reasons therefor and also its own rejection and the grounds therefor.

Article 41

(1) Documents and statements containing factual information supplied by any party to the conciliators shall be made public unless that party or a majority of the conciliators agrees otherwise.

(2) Such documents and statements supplied by a party may be tendered by that party in support of its case in subsequent proceedings arising from the same dispute and between the same parties.

Article 42

Where the recommendation has not become binding upon the parties, no views expressed or reasons given by the conciliators, or concessions or offers made by the parties for the purpose of the conciliation procedure, shall affect the legal rights and obligations of any of the parties.

Article 43

(1) (*a*) The costs of the conciliators and all costs of the administration of the conciliation proceedings shall be borne equally by the parties to the proceedings, unless they agree otherwise.

(*b*) When the conciliation proceedings have been initiated, the conciliators shall be entitled to require an advance or security for the costs referred to in Article 43(1) (*a*).

(2) Each party shall bear all expenses it incurs in connexion with the proceedings, unless the parties agree otherwise.

(3) Notwithstanding the provisions of Article 43(1) and (2), the conciliators may, having decided unanimously that a party has brought a claim vexatiously or frivolously, assess against that party any or all of the costs of other parties to the proceedings. Such decision shall be final and binding on all the parties.

Article 44

(1) Failure of a party to appear or to present its case at any stage of the proceedings shall not be deemed an admission of the other party's assertions. In that event, the other party may, at its choice, request the conciliators to close the proceedings or to deal with the questions presented to them and submit a recommendation in accordance with the provisions for making recommendations set out in this Code.

(2) Before closing the proceedings, the conciliators shall grant the party failing to appear or to present its case a period of grace, not exceeding 10 days, unless they are satisfied that the party does not intend to appear or to present its case.

(3) Failure to observe procedural time-limits laid down in this Code or determined by the conciliators, in particular time-limits relating to the submission of statements or information, shall be considered a failure to appear in the proceedings.

(4) Where the proceedings have been closed owing to one party's failure to appear or to present its case, the conciliators shall draw up a report noting that party's failure.

Article 45

(1) The conciliators shall follow the procedures stipulated in this Code.

(2) The Rules of Procedure annexed to the present Convention shall be considered as Model Rules for the guidance of conciliators. The conciliators may, by mutual consent, use, supplement or amend the rules contained in the Annex or formulate their own rules of procedure to the extent that such supplementary, amended or other rules are not inconsistent with the provisions of this Code.

(3) If the parties agree that it may be in the interest of achieving an expeditious and inexpensive solution of the conciliation proceedings, they may mutually agree to rules of procedure which are not inconsistent with the provisions of this Code.

(4) The conciliators shall formulate their recommendation by consensus or failing that shall decide by majority vote.

(5) The conciliation proceedings shall finish and the recommendation of the conciliators shall be delivered not later than six months from the date on which the conciliators are appointed, except in the cases referred to in Article 23(4) (*e*), (*f*) and (*g*), for which the time-limits in Articles 14(1) and 16(4) shall be valid. The period of six months may be extended by agreement of the parties.

C. Institutional machinery

Article 46

(1) Six months before the entry into force of the present Convention, the Secretary-General of the United Nations shall, subject to the approval of the General Assembly of the United Nations, and taking into account the views expressed by the Contracting Parties, appoint a Registrar, who may be assisted by such additional staff as may be necessary for the performance of the functions listed in Article 46(2). Administrative services for the Registrar and his assistants shall be provided by the United Nations Office at Geneva.

(2) The Registrar shall perform the following functions in consultation with the Contracting Parties as appropriate:

(*a*) Maintain the list of conciliators of the International Panel of Conciliators and regularly inform the Contracting Parties of the composition of the Panel;

(*b*) Provide the names and addresses of the conciliators to the parties concerned on request;

(*c*) Receive and maintain copies of requests for conciliation, replies, recommendations, acceptances, or rejections, including reasons therefor;

(*d*) Furnish on request, and at their cost, copies of recommendations and reasons for rejection to the shippers' organizations, conferences and governments, subject to the provisions of Article 40;

e) Make available information of a non-confidential nature on completed conciliation cases, and without attribution to the parties concerned, for the purposes of preparation of material for the Review Conference referred to in Article 52; and

f) The other functions prescribed for the Registrar in Articles 26(1) (*c*) and 30(2) and (3).

CHAPTER VII. FINAL CLAUSES

Article 47. IMPLEMENTATION

(1) Each Contracting Party shall take such legislative or other measures as may be necessary to implement the present Convention.

(2) Each Contracting Party shall communicate to the Secretary-General of the United Nations, who shall be the depositary, the text of the legislative or other measures which it has taken in order to implement the present Convention.

Article 48. SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

(1) The present Convention shall remain open for signature as from 1 July 1974 until and including 30 June 1975 at United Nations Headquarters and shall thereafter remain open for accession.

(2) All States are entitled to become Contracting Parties to the present Convention by:

(*a*) Signature subject to and followed by ratification, acceptance or approval; or

(*b*) Signature without reservation as to ratification, acceptance or approval; or

(*c*) Accession.

(3) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to this effect with the depositary.

Article 49. ENTRY INTO FORCE

(1) The present Convention shall enter into force six months after the date on which not less than 24 States, the combined tonnage of which amounts to at least 25 per cent of world tonnage, have become Contracting Parties to it in accordance with Article 48. For the purpose of the present Article the tonnage shall be deemed to be that contained in *Lloyd's Register of Shipping, Statistical Tables 1973,* table 2 "World Fleets — Analysis by Principal Types", in respect of general cargo (including

passenger/cargo) ships and container (fully cellular) ships, exclusive of the United States reserve fleet and the American and Canadian Great Lakes Fleets.[1]

(2) For each State which thereafter ratifies, accepts, approves or accedes to it, the present Convention shall come into force six months after deposit by such State of the appropriate instrument.

(3) Any State which becomes a Contracting Party to the present Convention after the entry into force of an amendment shall, failing an expression of a different intention by that State:

(*a*) Be considered as a Party to the present Convention as amended; and

(*b*) Be considered as a Party to the unamended Convention in relation to any Party to the present Convention not bound by the amendment.

Article 50. DENUNCIATION

(1) The present Convention may be denounced by any Contracting Party at any time after the expiration of a period of two years from the date on which the Convention has entered into force.

(2) Denunciation shall be notified to the depositary in writing, and shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the date of receipt by the depositary.

Article 51. AMENDMENTS

(1) Any Contracting Party may propose one or more amendments to the present Convention by communicating the amendments to the depositary. The depositary shall circulate such amendments among the Contracting Parties, for their acceptance, and among States entitled to become Contracting Parties to the present Convention which are not Contracting Parties, for their information.

(2) Each proposed amendment circulated in accordance with Article 51(1) shall be deemed to have been accepted if no Contracting Party communicates an objection thereto to the depositary within 12 months following the date of its circulation by the depositary. If a Contracting Party communicates an objection to the proposed amendment, such amendment shall not be considered as accepted and shall not be put into effect.

(3) If no objection has been communicated, the amendment shall enter into force for all Contracting Parties six months after the expiry date of the period of 12 months referred to in Article 51(2).

Article 52. REVIEW CONFERENCES

(1) A Review Conference shall be convened by the depositary five years from the date on which the present Convention comes into force to review the working of the Convention, with particular reference to its implementation, and to consider and adopt appropriate amendments.

(2) The depositary shall, four years from the date on which the present Convention comes into force, seek the views of all States entitled to attend the Review Conference and shall, on the basis of the views received, prepare and circulate a draft agenda as well as amendments proposed for consideration by the Conference.

[1] The tonnage requirements for the purposes of Article 49(1) are set out in the report of the United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences on the second part of its session (TD/CODE/10), annex I.

(3) Further review conferences shall be similarly convened ever five years, or at any time after the first Review Conference, at the request of one third of the Contracting Parties to the present Convention, unless the first Review Conference decides otherwise.

(4) Notwithstanding the provisions of Article 52(1), if the present Convention has not entered into force five years from the date of the adoption of the Final Act of the United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences, a Review Conference shall, at the request of one third of the States entitled to become Contracting Parties to the present Convention, be convened by the Secretary-General of the United Nations, subject to the approval of the General Assembly in order to review the provisions of the Convention and its Annex and to consider and adopt appropriate amendments.

Article 53. FUNCTIONS OF THE DEPOSITARY

(1) The depositary shall notify the signatory and acceding States of:

(*a*) Signatures, ratifications, acceptances, approvals and accessions in accordance with Article 48;

(*b*) The date on which the present Convention enters into force in accordance with Article 49;

(*c*) Denunciations of the present Convention in accordance with Article 50;

(*d*) Reservations to the present Convention and the withdrawal of reservations;

(*e*) The text of the legislative or other measures which each Contracting Party has taken in order to implement the present Convention in accordance with Article 47;

(*f*) Proposed amendments and objections to proposed amendments in accordance with Article 51; and

(*g*) Entry into force of amendments in accordance with Article 51(3).

(2) The depositary shall also undertake such actions as are necessary under Article 52.

Article 54. AUTHENTIC TEXTS. DEPOSIT

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, will be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, having been duly authorized to this effect by their respective governments, have signed the present Convention, on the dates appearing opposite their signatures.

ANNEX TO THE CONVENTION ON A CODE OF CONDUCT FOR LINER CONFERENCES

MODEL RULES OF PROCEDURE FOR INTERNATIONAL MANDATORY CONCILIATION

Rule 1. (1) Any party wishing to institute conciliation proceedings under the Code shall address a request to that effect in writing, accompanied by a statement of claim to the other party, and copied to the Registrar.

(2) The statement of claim shall:

(*a*) Designate precisely each party to the dispute and state the address of each;

(*b*) Contain a summary statement of pertinent facts, the issues in dispute and the claimant's proposal for the settlement of the dispute;

(*c*) State whether an oral hearing is desired and, if so, and to the extent then known, the names and addresses of persons to give evidence, including experts' evidence, for the claimant;

(*d*) Be accompanied by such supporting documentation and relevant agreements and arrangements entered into by the parties as the claimant may consider necessary at the time of making the claim;

(*e*) Indicate the number of conciliators required, any proposal concerning the appointment of conciliators, or the name of the conciliator appointed by the claimant in accordance with Article 32(2); and

(*f*) Contain proposals, if any, regarding rules of procedure.

(3) The statement of claim shall be dated and shall be signed by the party.

Rule 2. (1) If the respondent decides to reply to the claim, he shall, within 30 days following the date of his receipt of the statement of claim, transmit a reply to the other party and copied to the Registrar.

(2) The reply shall:

(*a*) Contain a summary statement of pertinent facts opposed to the contentions in the statement of claim, the respondent's proposal, if any, for the settlement of the dispute and any remedy claimed by him with a view to the settlement of the dispute;

(*b*) State whether an oral hearing is desired and, if so, and to the extent then known, the names and addresses of persons to give evidence, including experts' evidence, for the respondent;

(*c*) Be accompanied by such supporting documentation and relevant agreements and arrangements entered into by the parties as the respondent may consider necessary at the time of making the reply;

(*d*) Indicate the number of conciliators required, any proposal concerning the appointment of conciliators, or the name of the conciliator appointed by the respondent in accordance with Article 32(2); and

(*e*) Contain proposals, if any, regarding rules of procedure.

(3) The reply shall be dated and shall be signed by the party.

Rule 3. (1) Any person or other interest desiring to participate in conciliation proceedings under Article 34 shall transmit a written request to the parties to the dispute, with a copy to the Registrar.

(2) If participation in accordance with (*a*) of Article 34 is desired, the request shall set forth the grounds therefor, including the information required under Rule 1(2) (*a*), (*b*) and (*d*).

(3) If participation in accordance with (*b*) of Article 34 is desired, the request shall state the grounds therefor and which of the original parties would be supported.

(4) Any objection to a request for joinder by such a party shall be sent by the objecting party, with a copy to the other party, within seven days of receipt of the request.

(5) In the event that two or more proceedings are consolidated, subsequent requests for third-party participation shall be transmitted to all parties concerned, each of which may object in accordance with the present Rule.

Rule 4. By agreement between the parties to a dispute, on motion by either party, and after affording the parties an opportunity of being heard, the conciliators may order the consolidation or separation of all or any claims then pending between the same parties.

Rule 5. (1) Any party may challenge a conciliator where circumstances exist that cause justifiable doubts as to his independence.

(2) Notice of challenge, stating reasons therefor, should be made prior to the date of the closing of the proceedings, before the conciliators have rendered their recommendation. Any such challenge shall be heard promptly and shall be determined by majority vote of the conciliators in the first instance, as a preliminary point, in cases where more than one conciliator has been appointed. The decision in such cases shall be final.

(3) A conciliator who has died, resigned, become incapacitated or disqualified shall be replaced promptly.

(4) Proceedings interrupted in this way shall continue from the point where they were interrupted, unless it is agreed by the parties or ordered by the conciliators that a review or rehearing of any oral testimony take place.

Rule 6. The conciliators shall be judges of their own jurisdiction and/or competence within the provisions of the Code.

Rule 7. (1) The conciliators shall receive and consider all written statements, documents, affidavits, publications or any other evidence, including oral evidence, which may be submitted to them by or on behalf of any of the parties, and shall give such weight thereto as in their judgement such evidence merits.

(2) (*a*) Each party may submit to the conciliators any material it considers relevant, and at the time of such submission shall deliver certified copies to any other party to the proceedings, which party shall be given a reasonable opportunity to reply thereto.

(*b*) The conciliators shall be the sole judges of the relevance and materiality of the evidence submitted to them by the parties.

(*c*) The conciliators may ask the parties to produce such additional evidence as they may deem necessary to an understanding and determination of the dispute, provided that, if such additional evidence is produced, the other parties to the proceedings shall have a reasonable opportunity to comment thereon.

Rule 8. (1) Whenever a period of days for the doing of any act is provided for in the Code or in these Rules, the day from which the period begins to run shall not be counted, and the last day of the period shall be counted, except where that last day is a Saturday, Sunday or a public holiday at the place of conciliation, in which case the last day shall be the next business day.

(2) When the time provided for is less than seven days, intermediate Saturdays, Sundays and public holidays shall be excluded from the computation.

Rule 9. Subject to the provisions relating to procedural time-limits in the Code, the conciliators may, on a motion by one of the parties or pursuant to agreement between them, extend any such time-limit which has been fixed by the conciliators.

Rule 10. (1) The conciliators shall fix the order of business and, unless otherwise agreed, the date and hour of each session.

(2) Unless the parties otherwise agree, the proceedings shall take place in private.

(3) The conciliators shall specifically inquire of all the parties whether they have any further evidence to submit before declaring the proceedings closed, and a noting thereof shall be recorded.

Rule 11. (1) Conciliators' recommendations shall be in writing and shall include:

(*a*) The precise designation and address of each party;

(*b*) A description of the method of appointing conciliators, including their names;

(*c*) The dates and place of the conciliation proceedings;

(*d*) A summary of the conciliation proceedings, as the conciliators deem appropriate;
(*e*) A summary statement of the facts found by the conciliators;
(*f*) A summary of the submissions of the parties;
(*g*) Pronouncements on the issues in dispute, together with the reasons therefor;
(*h*) The signatures of the conciliators and the date of each signature; and
(*i*) An address for the communication of the acceptance or rejection of the recommendation.

Rule 12. The recommendation shall, so far as possible, contain a pronouncement on costs in accordance with the provisions of the Code. If the recommendation does not contain a full pronouncement on costs, the conciliators shall, as soon as possible after the recommendation, and in any event not later than 60 days thereafter, make a pronouncement in writing regarding costs as provided in the Code.

Rule 13. Conciliators' recommendations shall also take into account previous and similar cases whenever this would facilitate a more uniform implementation of the Code and observance of conciliators' recommendations.

For Afghanistan:
Pour l'Afghanistan :
阿富汗：
За Афганистан:
Por el Afganistán:

For Albania:
Pour l'Albanie :
阿尔巴尼亚：
За Албанию:
Por Albania:

For Algeria:
Pour l'Algérie :
阿尔及利亚：
За Алжир:
Por Argelia:

RAHEL
27 juin 1975

For Argentina:
Pour l'Argentine :
阿根廷：
За Аргентину:
Por la Argentina:

For Australia:
Pour l'Australie :
澳大利亚：
За Австралию:
Por Australia:

For Austria:
Pour l'Autriche :
奥地利：
За Австрию:
Por Austria:

For the Bahamas:
Pour les Bahamas :
巴哈马：
За Багамские острова:
Por las Bahamas:

For Bahrain:
Pour Bahreïn :
巴林：
За Бахрейн:
Por Bahrein:

For Bangladesh:
Pour le Bangladesh :
孟加拉国：
За Бангладеш:
Por Bangladesh:

For Barbados:
Pour la Barbade :
巴巴多斯：
За Барбадос:
Por Barbados:

For Belgium:
Pour la Belgique :
比利时:
За Бельгию:
Por Bélgica:

RENÉ MERENNE[1]
Le 30 juin 1971
Sous réserve de ratification[2]

For Bhutan:
Pour le Bhoutan :
不丹:
За Бутан:
Por Bhután:

For Bolivia:
Pour la Bolivie :
玻利维亚:
За Боливию:
Por Bolivia:

For Botswana:
Pour le Botswana :
博茨瓦纳:
За Ботсвану:
Por Botswana:

[1] See p. 201 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 201 du présent volume pour les textes des réserves et déclarations faites lors de la signature.
[2] Subject to ratification.

For Brazil:
Pour le Brésil :
巴西:
За Бразилию:
Por el Brasil:

S. CORREA A. DA COSTA[1]
June 23rd 1975
Subject to ratification and to reservation to article 14, paragraph 6[2]

For Bulgaria:
Pour la Bulgarie :
保加利亚:
За Болгарию:
Por Bulgaria:

For Burma:
Pour la Birmanie :
缅甸:
За Бирму:
Por Birmania:

For Burundi:
Pour le Burundi :
布隆迪:
За Бурунди:
Por Burundi:

For the Byelorussian Soviet Socialist Republic:
Pour la République socialiste soviétique de Biélorussie :
白俄罗斯苏维埃社会主义共和国:
За Белорусскую Советскую Социалистическую Республику:
Por la República Socialista Soviética de Bielorrusia:

[1] See p. 201 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 201 du présent volume pour les textes des réserves et déclarations faites lors de la signature.
[2] Sujet à ratification et avec la réserve prévue au paragraphe 6 de l'article 14.

For Cameroon:
Pour le Cameroun :
喀麦隆:
За Камерун:
Por el Camerún:

For Canada:
Pour le Canada :
加拿大:
За Канаду:
Por el Canadá:

For the Central African Republic:
Pour la République centrafricaine :
中非共和国:
За Центральноафриканскую Республику:
Por la República Centroafricana:

For Chad:
Pour le Tchad :
乍得:
За Чад:
Por el Chad:

For Chile:
Pour le Chili :
智利:
За Чили:
Por Chile:

ISMAEL HUERTA
25 junio 1975[1]

[1] 25 June 1975 — 25 juin 1975.

For China:
Pour la Chine :
中国:
За Китай:
Por China:

For Colombia:
Pour la Colombie :
哥伦比亚:
За Колумбию:
Por Colombia:

For the Congo:
Pour le Congo :
刚果:
За Конго:
Por el Congo:

For Costa Rica:
Pour le Costa Rica :
哥斯达黎加:
За Коста-Рику:
Por Costa Rica:

FERNANDO SALAZAR
May 15, 1975

For Cuba:
Pour Cuba :
古巴:
За Кубу:
Por Cuba:

For Cyprus:
Pour Chypre :
塞浦路斯：
За Кипр:
Por Chipre:

For Czechoslovakia:
Pour la Tchécoslovaquie :
捷克斯洛伐克：
За Чехословакию:
Por Checoslovaquia:

OTTO JACHEK[1]

Sous la réserve de ratification[2]
30 juin 1975

For Dahomey:
Pour le Dahomey :
达荷美：
За Дагомею:
Por el Dahomey:

For the Democratic People's Republic of Korea:
Pour la République populaire démocratique de Corée :
朝鲜民主主义人民共和国：
За Корейскую Народно-Демократическую Республику:
Por la República Popular Democrática de Corea:

For the Democratic Republic of Viet-Nam:
Pour la République démocratique du Viet-Nam :
越南民主共和国：
За Демократическую Республику Вьетнам:
Por la República Democrática de Viet-Nam:

[1] See p. 201 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 201 du présent volume pour les textes des réserves et déclarations faites lors de la signature.
[2] Subject to ratification.

For Democratic Yemen:
Pour le Yémen démocratique :
民主也门:
За Демократический Йемен:
Por el Yemen Democrático:

For Denmark:
Pour le Danemark :
丹麦:
За Данию:
Por Dinamarca:

For the Dominican Republic:
Pour la République Dominicaine :
多米尼加共和国:
За Доминиканскую Республику:
Por la República Dominicana:

For Ecuador:
Pour l'Equateur :
厄瓜多尔:
За Эквадор:
Por el Ecuador:

LEOPOLDO BENITES
October 22, 1974

For Egypt:
Pour l'Egypte :
埃及:
За Египет:
Por Egipto:

For El Salvador:
Pour El Salvador :
萨尔瓦多：
За Сальвадор:
Por El Salvador:

For Equatorial Guinea:
Pour la Guinée équatoriale :
赤道几内亚：
За Экваториальную Гвинею:
Por Guinea Ecuatorial:

For Ethiopia:
Pour l'Ethiopie :
埃塞俄比亚：
За Эфиопию:
Por Ethiopía:

YILMA TADESSE
June 19, 1975

For Fiji:
Pour Fidji :
斐济：
За Фиджи:
Por Fiji:

For Finland:
Pour la Finlande :
芬兰：
За Финляндию:
Por Finlandia:

For France:
Pour la France :
法国:
За Францию:
Por Francia:

LOUIS DE GUIRINGAUD[1]
30 juin 1975
Sous réserve de ratification[2]

For Gabon:
Pour le Gabon :
加蓬:
За Габон:
Por el Gabón:

A. OBAME
Le 10 octobre 1974

For Gambia:
Pour la Gambie :
冈比亚:
За Гамбию:
Por Gambia:

LEE KULHER
June 30, 1975

For the German Democratic Republic:
Pour la République démocratique allemande :
德意志民主共和国:
За Германскую Демократическую Республику:
Por la República Democrática Alemana:

PETER FLORIN
27 June 1975
Subject to ratification[3]

[1] See p. 201 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 201 du présent volume pour les textes des réserves et déclarations faites lors de la signature.
[2] Subject to ratification.
[3] Sous réserve de ratification.

For Germany, Federal Republic of:
Pour l'Allemagne, République fédérale d' :
德意志联邦共和国:
За Федеративную Республику Германии:
Por Alemania, República Federal de:

RÜDIGER VON WECHMAR[1]
30 June 1975
Subject to ratification[2]

For Ghana:
Pour le Ghana :
加纳:
За Гану:
Por Ghana:

BOATEN
14th May 1975

For Greece:
Pour la Grèce :
希腊:
За Грецию:
Por Grecia:

For Guatemala:
Pour le Guatemala :
危地马拉:
За Гватемалу:
Por Guatemala:

A. MALDONADO
November 15, 1974

[1] See p. 201 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 201 du présent volume pour les textes des réserves et déclarations faites lors de la signature.
[2] Sous réserve de ratification.

For Guinea:
Pour la Guinée :
几内亚：
За Гвинею:
Por Guinea:

For Guinea-Bissau:
Pour la Guinée-Bissau :
几内亚－比绍：
За Гвинею-Бисау:
Por Guinea-Bissau:

For Guyana:
Pour la Guyane :
圭亚那：
За Гвиану:
Por Guyana:

For Haiti:
Pour Haïti :
海地：
За Гаити:
Por Haití:

For the Holy See:
Pour le Saint-Siège :
教廷：
За Святейший престол:
Por la Santa Sede:

For Honduras:
Pour le Honduras :
洪都拉斯：
За Гондурас:
Por Honduras:

For Hungary:
Pour la Hongrie :
匈牙利：
За Венгрию:
Por Hungría:

For Iceland:
Pour l'Islande :
冰島：
За Исландию:
Por Islandia:

For India:
Pour l'Inde :
印度：
За Индию:
Por la India:

Subject to ratification[1]
HASHINI
Hindi
27 June 1975

For Indonesia:
Pour l'Indonésie :
印度尼西亚：
За Индонезию:
Por Indonesia:

C. A. SANI
5 February 1975
Subject to ratification[1]

[1] Sous réserve de ratification.

For Iran:
Pour l'Iran :
伊朗：
За Иран:
Por el Irán:

TEREYDOUN HOVEYDA
7 août 1974

For Iraq:
Pour l'Irak :
伊拉克：
За Ирак:
Por el Irak:

For Ireland:
Pour l'Irlande :
爱尔兰：
За Ирландию:
Por Irlanda:

For Israel:
Pour Israël :
以色列：
За Израиль:
Por Israel:

For Italy:
Pour l'Italie :
意大利：
За Италию:
Por Italia:

For the Ivory Coast:
Pour la Côte-d'Ivoire :
象牙海岸：
За Берег Слоновой Кости:
Por la Costa de Marfil:

SLAZAR
Le 1er mai 1975
Sous réserve de ratification[1]

For Jamaica:
Pour la Jamaïque :
牙买加：
За Ямайку:
Por Jamaica:

For Japan:
Pour le Japon :
日本：
За Японию:
Por el Japón:

For Jordan:
Pour la Jordanie :
约旦：
За Иорданию:
Por Jordania:

For Kenya:
Pour le Kenya :
肯尼亚：
За Кению:
Por Kenia:

[1] Subject to ratification.

For the Khmer Republic:
Pour la République khmère :
高棉共和国:
За Кхмерскую Республику:
Por la República Khmer:

For Kuwait:
Pour le Koweït :
科威特:
За Кувейт:
Por Kuwait:

For Laos:
Pour le Laos :
老挝:
За Лаос:
Por Laos:

For Lebanon:
Pour le Liban :
黎巴嫩:
За Ливан:
Por el Líbano:

For Lesotho:
Pour le Lesotho :
莱索托:
За Лесото:
Por Lesotho:

For Liberia:
Pour le Libéria :
利比里亚:
За Либерию:
Por Liberia:

For the Libyan Arab Republic:
Pour la République arabe libyenne :
阿拉伯利比亚共和国：
За Ливийскую Арабскую Республику:
Por la República Arabe Libia:

For Liechtenstein:
Pour le Liechtenstein :
列支敦士登：
За Лихтенштейн:
Por Liechtenstein:

For Luxembourg:
Pour le Luxembourg :
卢森堡：
За Люксембург:
Por Luxemburgo:

For Madagascar:
Pour Madagascar :
马达加斯加：
За Мадагаскар:
Por Madagascar:

For Malawi:
Pour le Malawi :
马拉维：
За Малави:
Por Malawi:

For Malaysia:
Pour la Malaisie :
马来西亚：
За Малайскую Федерацию:
Por Malasia:

For the Maldives:
Pour les Maldives :
马尔代夫:
За Мальдивы:
Por las Maldivas:

For Mali:
Pour le Mali :
马里:
За Мали:
Por Malí:

For Malta:
Pour Malte :
马耳他:
За Мальту:
Por Malta:

ALFRED BELLIZZI
Subject to ratification[1]
15th May 1975

For Mauritania:
Pour la Mauritanie :
毛里塔尼亚:
За Мавританию:
Por Mauritania:

For Mauritius:
Pour Maurice :
毛里求斯:
За Маврикий:
Por Mauricio:

[1] Sous réserve de ratification, le 15 mai 1975.

For Mexico:
Pour le Mexique :
墨西哥 :
За Мексику:
Por México:

For Monaco:
Pour Monaco :
摩纳哥 :
За Монако:
Por Mónaco:

For Mongolia:
Pour la Mongolie :
蒙古 :
За Монголию:
Por Mongolia:

For Morocco:
Pour le Maroc :
摩洛哥 :
За Марокко:
Por Marruecos:

For Nauru:
Pour Nauru :
瑙鲁 :
За Науру:
Por Nauru:

For Nepal:
Pour le Népal :
尼泊尔 :
За Непал:
Por Nepal:

For the Netherlands:
Pour les Pays-Bas :
荷 兰 :
За Нидерланды:
Por los Países Bajos:

For New Zealand:
Pour la Nouvelle-Zélande :
新 西 兰 :
За Новую Зеландию:
Por Nueva Zelandia:

For Nicaragua:
Pour le Nicaragua :
尼 加 拉 瓜 :
За Никарагуа:
Por Nicaragua:

For the Niger:
Pour le Niger :
尼 日 尔 :
За Нигер:
Por el Níger:

SALIFOU
24 juin 1975
Sous réserve de ratification[1]

For Nigeria:
Pour la Nigéria :
尼 日 利 亚 :
За Нигерию:
Por Nigeria:

[1] Subject to ratification.

For Norway:
Pour la Norvège :
挪威：
За Норвегию:
Por Noruega:

For Oman:
Pour l'Oman :
阿曼：
За Оман:
Por Omán:

For Pakistan:
Pour le Pakistan :
巴基斯坦：
За Пакистан:
Por el Pakistán:

MATIN
27/6/75

For Panama:
Pour le Panama :
巴拿马：
За Панаму:
Por Panamá:

For Paraguay:
Pour le Paraguay :
巴拉圭：
За Парагвай:
Por el Paraguay:

For Peru:
Pour le Pérou :
秘鲁：
За Перу:
Por el Perú:

For the Philippines:
Pour les Philippines :
菲律宾：
За Филиппины:
Por Filipinas:

HORTENCIO J. BRILLANTES
2 August 1974

For Poland:
Pour la Pologne :
波兰：
За Польшу:
Por Polonia:

For Portugal:
Pour le Portugal :
葡萄牙：
За Португалию:
Por Portugal:

For Qatar:
Pour le Qatar :
卡塔尔：
За Катар:
Por Qatar:

For the Republic of Korea:
Pour la République de Corée :
大韩民国:
За Корейскую Республику:
Por la República de Corea:

For the Republic of Viet-Nam:
Pour la République du Viet-Nam :
越南共和国:
За Республику Вьетнам:
Por la República de Viet-Nam:

For Romania:
Pour la Roumanie :
罗马尼亚:
За Румынию:
Por Rumania:

For Rwanda:
Pour le Rwanda :
卢旺达:
За Руанду:
Por Rwanda:

For San Marino:
Pour Saint-Marin :
圣马力诺:
За Сан-Марино:
Por San Marino:

For Saudi Arabia:
Pour l'Arabie Saoudite :
沙特阿拉伯:
За Саудовскую Аравию:
Por Arabia Saudita:

For Senegal:
Pour le Sénégal :
塞内加尔：
За Сенегал:
Por el Senegal:

MOUSTAPHA BLONDIUE BOYE
30 juin 1975
Sous réserve de ratification[1]

For Sierra Leone:
Pour le Sierra Leone :
塞拉勒窝内：
За Сьерра-Леоне:
Por Sierra Leona:

For Singapore:
Pour Singapour :
新加坡：
За Сингапур:
Por Singapur:

For Somalia:
Pour la Somalie :
索马里：
За Сомали:
Por Somalia:

For South Africa:
Pour l'Afrique du Sud :
南非：
За Южную Африку:
Por Sudáfrica:

[1] Subject to ratification.

For Spain:
Pour l'Espagne :
西班牙：
За Испанию:
Por España:

For Sri Lanka:
Pour Sri Lanka :
斯里兰卡：
За Шри Ланка:
Por Sri Lanka:

AMERASINGHE
June 30, 1975

For the Sudan:
Pour le Soudan :
苏丹：
За Судан:
Por el Sudán:

For Swaziland:
Pour le Souaziland :
斯威士兰：
За Свазиленд:
Por Swazilandia:

For Sweden:
Pour la Suède :
瑞典：
За Швецию:
Por Suecia:

For Switzerland:
Pour la Suisse :
瑞士:
За Швейцарию:
Por Suiza:

For the Syrian Arab Republic:
Pour la République arabe syrienne :
阿拉伯叙利亚共和国:
За Сирийскую Арабскую Республику:
Por la República Arabe Siria:

For Thailand:
Pour la Thaïlande :
泰国:
За Таиланд:
Por Tailandia:

For Togo:
Pour le Togo :
多哥:
За Того:
Por el Togo:

DABIA TOGBE
25 juin 1975

For Tonga:
Pour les Tonga :
汤加:
За Тонга:
Por Tonga:

For Trinidad and Tobago:
Pour la Trinité-et-Tobago :
特立尼达和多巴哥:
За Тринидад и Тобаго:
Por Trinidad y Tabago:

For Tunisia:
Pour la Tunisie :
突尼斯:
За Тунис:
Por Túnez:

For Turkey:
Pour la Turquie :
土耳其:
За Турцию:
Por Turquía:

OSMAN OLCAY
30 juin 1975
Sous réserve de ratification[1]

For Uganda:
Pour l'Ouganda :
乌干达:
За Уганду:
Por Uganda:

For the Ukrainian Soviet Socialist Republic:
Pour la République socialiste soviétique d'Ukraine :
乌克兰苏维埃社会主义共和国:
За Украинскую Советскую Социалистическую Республику:
Por la República Socialista Soviética de Ucrania:

[1] Subject to ratification.

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
苏维埃社会主义共和国联盟:
За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:

For the United Arab Emirates:
Pour les Emirats arabes unis :
阿拉伯联合酋长国:
За Объединенные Арабские Эмираты:
Por los Emiratos Arabes Unidos:

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
大不列颠及北爱尔兰联合王国:
За Соединенное Королевство Великобритании и Северной Ирландии:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

For the United Republic of Tanzania:
Pour la République-Unie de Tanzanie :
坦桑尼亚联合共和国:
За Объединенную Республику Танзания:
Por la República Unida de Tanzania:

For the United States of America:
Pour les Etats-Unis d'Amérique :
美利坚合众国:
За Соединенные Штаты Америки:
Por los Estados Unidos de América:

For the Upper Volta:
Pour la Haute-Volta :
上沃尔特:
За Верхнюю Вольту:
Por el Alto Volta:

For Uruguay:
Pour l'Uruguay :
乌拉圭:
За Уругвай:
Por el Uruguay:

For Venezuela:
Pour le Venezuela :
委内瑞拉:
За Венесуэлу:
Por Venezuela:

ALBERTO CONSALVI
6.30.75

For Western Samoa:
Pour le Samoa-Occidental :
西萨摩亚:
За Западное Самоа:
Por Samoa Occidental:

For Yemen:
Pour le Yémen :
也门:
За Йемен:
Por el Yemen:

For Yugoslavia:
Pour la Yougoslavie :
南斯拉夫:
За Югославию:
Por Yugoslavia:

JAKIA PERTRIE
December 17, 1974

For Zaire:
Pour le Zaïre :
扎伊尔:
За Заир:
Por el Zaire:

For Zambia:
Pour la Zambie :
赞比亚:
За Замбию:
Por Zambia:

RESERVATIONS AND DECLARATIONS MADE UPON SIGNATURE

BELGIUM

[TRANSLATION — TRADUCTION]

Under Belgian law, the Convention must be approved by the legislative chambers before it can be ratified.

In due course, the Belgian Government will submit this Convention to the legislative chambers for ratification, with the express reservation that its implementation should not be contrary to the commitments undertaken by Belgium under the Treaty of Rome establishing the European Economic Community[1] and the OECD Code of Liberalisation of invisible trade, and taking into account any reservations it may deem fit to make to the provisions of this Convention.

BRAZIL

"In accordance with SUNAMAM's resolutions Nos. 3393, of 12/30/1972, and 4173, of 12/21/1972, which set up and structured the "Bureau de Estudos de Fretes Internacionais da SUNAMAM", and by which the "Superintendência Nacional de Marinha Mercante (SUNAMAM)" has the authority to reject any proposal on freight rates put forward by Liner Conferences, the contents of article 14, paragraph 6, of that Convention do not conform to Brazilian Law."

[1] United Nations, *Treaty Series*, vol. 298, p. 3.

RÉSERVES ET DÉCLARATIONS FAITES LORS DE LA SIGNATURE

BELGIQUE

«La Convention, d'après la loi belge, exige avant d'être ratifiée, l'approbation des chambres législatives.

«Le Gouvernement belge présentera, au moment opportun, cette Convention aux chambres législatives, en vue de sa ratification sous la réserve expresse que sa mise en œuvre ne soit pas contraire aux obligations souscrites par la Belgique aux termes du Traité de Rome, établissant une communauté économique européenne[1], ainsi que du code de libéralisation des échanges invisibles de l'OCDE, et compte tenu des réserves qu'il jugerait bon d'apporter aux dispositions de cette Convention.»

BRÉSIL

[TRADUCTION — TRANSLATION]

Eu égard aux résolutions nos 3393 du 30/12/1972 et 4173 du 21/12/1972 sur la SUNAMAM, portant création du Bureau de Estudos de Fretes Internacionais da SUNAMAM et en définissant la structure, qui confèrent à la Superintendência Nacional de Marinha Mercante (SUNAMAM) le droit de rejeter toute proposition concernant des taux de frêt émanant de conférences maritimes, le contenu du paragraphe 6 de l'article 14 de ladite Convention n'est pas conforme à la législation brésilienne.

[1] Nations Unies, *Recueil des Traités*, vol. 294, p. 3.

CZECHOSLOVAKIA

"The provisions of the Code of Conduct do not apply to joint line services established on the basis of intergovernmental agreements for serving the bilateral trade;

"Eventual one-sided regulation of the activity of non-conference lines by legislation of individual States would be considered incompatible on the part of the Czechoslovak Socialist Republic, with the main aims and principles of the Convention and would not be recognized as valid."

TCHÉCOSLOVAQUIE

[TRADUCTION — TRANSLATION]

Les dispositions du Code de conduite ne s'appliquent pas aux services de ligne communs créés en vertu d'accords intergouvernementaux aux fins du commerce bilatéral;

Une éventuelle réglementation unilatérale de l'activité de lignes non membres d'une conférence par la législation de tel ou tel Etat serait considérée par la République socialiste tchécoslovaque comme incompatible avec les principaux buts et principes de la Convention et ne serait pas reconnue comme valide.

FRANCE

[TRANSLATION — TRADUCTION]

Under the French Constitution, approval of the Convention is subject to authorization by Parliament.

It is understood that this approval is conditional upon compliance with the commitments undertaken by France under the Treaty of Rome establishing the European Economic Community[1] and the Code of Liberalisation of invisible trade of the Organisation for Economic Co-operation and Development, taking into account any reservations which the French Government may deem fit to make to the provisions of this Convention.

FRANCE

«L'approbation de la Convention est, d'après la Constitution française, subordonnée à l'autorisation du Parlement.

Il est entendu que cette approbation ne pourra intervenir qu'en conformité des obligations souscrites par la France aux termes du traité de Rome établissant une Communauté économique européenne[1], ainsi que du code de libération des échanges invisibles de l'Organisation de coopération et de développement économique, et compte tenu des réserves que le Gouvernement français jugerait bon d'apporter aux dispositions de cette convention.»

FEDERAL REPUBLIC OF GERMANY

"The Convention, under the law of the Federal Republic of Germany, requires

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

[TRADUCTION — TRANSLATION]

Conformément à la législation de la République fédérale d'Allemagne, la

[1] United Nations, *Treaty Series*, vol. 298, p. 3.

[1] Nations Unies, *Recueil des Traités*, vol. 294, p. 3.

the approval of the legislative bodies for ratification. At the appropriate time, the Federal Republic of Germany will implement the Convention in conformity with its obligations under the Treaty of Rome establishing the European Economic Community[1] as well as under the OECD Code of Liberalisation of Current Invisible Operations."

Convention doit être soumise à l'approbation des organes législatifs avant d'être ratifiée. Au moment opportun, la République fédérale d'Allemagne appliquera la Convention conformément aux obligations qui lui incombent en vertu du Traité de Rome portant création de la Communauté économique européenne[1], ainsi que du code de la libération des opérations invisibles courantes de l'OCDE.

RESERVATIONS AND DECLARATIONS MADE UPON RATIFICATION, ACCESSION (*a*) OR ACCEPTANCE (*A*)

BULGARIA (a)

RÉSERVES ET DÉCLARATIONS FAITES LORS DE LA RATIFICATION, L'ADHÉSION (*a*) OU L'ACCEPTATION (*A*)

BULGARIE (a)

[BULGARIAN TEXT — TEXTE BULGARE]

«Правителството на Народна република България счита, че определението за линеен конферанс не се разпростира върху съвместните двустранни линии, действуващи на базата на междуправителствени спогодби;

Във връзка с текста на точка 2 от Приложението към резолюция I, приета на 6 април 1974 година, Правителството на Народна република Българня счита, че разпоредбите на Конвенцията за Кодекс за поведение на линейните конферанси не могат да се разпростират върху дейността на неконферансните корабоплавателни линии.»

[1] United Nations, *Treaty Series*, vol. 298, p. 3.

[1] Nations Unies, *Recueil des Traités*, vol. 294, p. 3.

[TRANSLATION]

The Government of the People's Republic of Bulgaria considers that the definition of liner conference does not include joint bilateral lines operating on the basis of inter-governmental agreements.

With regard to the text of point 2 of the annex to resolution I, adopted on 6 April 1974, the Government of the People's Republic of Bulgaria considers that the provisions of the Convention on a Code of Conduct for Liner Conferences do not cover the activities of non-conference shipping lines.

[TRADUCTION]

Le Gouvernement de la République populaire de Bulgarie considère que la définition de conférence maritime ne s'étend pas sur des lignes bilatérales conjointes opérant sur la base d'accords intergouvernementaux.

Au sujet du texte du point 2 de l'annexe à la résolution I, adoptée le 6 avril 1974, le Gouvernement de la République populaire de Bulgarie considère que les dispositions de la Convention relative à un code de conduite des conférences maritimes ne peuvent pas s'étendre sur les activités des lignes de navigation hors conférence.

CHINA (a)

CHINE (a)

[CHINESE TEXT — TEXTE CHINOIS]

"中华人民共和国和其它国家之间，经过协商，在合适的基础上建立的联合航线，与班轮公会的性质完全不同，不适用联合国班轮公会行动守则公约的各项规定。"

[TRANSLATION]

The joint shipping services established between the People's Republic of China and any other country through consultations and on a basis that the parties concerned may deem appropriate, are totally different from liner conferences in nature, and the provisions of the United Nations Convention on a Code of Conduct for Liner Conferences shall not be applicable thereto.

[TRADUCTION]

Les services de transport maritime en association mis en place entre la République populaire de Chine et tout autre pays par le biais de consultations et sur une base jugée appropriée par les parties intéressées sont complètement différents par nature des conférences maritimes, et les dispositions de la Convention des Nations Unies relative à un code de conduite des conférences maritimes ne leur seront pas applicables.

CUBA (a)

[SPANISH TEXT — TEXTE ESPAGNOL]

Declaracion:

"La República de Cuba, con relación al Capítulo I de la Primera Parte que trata de las definiciones en el epígrafe primero, no acepta que estén incluídos en el concepto de "Conferencia marítima o conferencia", los servicios marítimos conjuntos regulares para el transporte de cualquier tipo de carga establecidos en virtud de acuerdos intergubernamentales.

Reserva:

La República de Cuba hace reserva a las disposiciones contenidas en el inciso 17 del artículo 2 de la Convención, en el sentido, de no aplicar dicho inciso a las mercancías que sean objeto de transportación por los servicios marítimos conjuntos regulares para el transporte de cualquier carga, establecidos en virtud de acuerdos intergubernamentales, cualesquiera que sea su origen, su destino o la utilización que se les haya de dar".

[TRANSLATION]

Declaration:

With regard to the definitions in the first paragraph of part one, chapter I, the Republic of Cuba does not accept the inclusion in the concept of "Liner conference or conference" of joint liner services for the carriage of any type of cargo, established in accordance with intergovernmental agreements.

Reservation:

The Republic of Cuba enters a reservation concerning the provisions of article 2, paragraph 17, of the Convention, to the effect that Cuba will not apply said paragraph to goods carried by joint liner services for the carriage of any cargo, established in accordance with intergovernmental agreements, regardless of their origin, their destination or the use for which they are intended.

[TRADUCTION]

Déclaration :

S'agissant du premier paragraphe des définitions qui font l'objet du chapitre premier de la première partie de la Convention, la République de Cuba n'accepte pas que soient compris dans la notion de «Conférence maritime ou conférence» les services maritimes communs réguliers pour le transport de tout type de marchandises établi en vertu d'accords intergouvernementaux.

Réserve :

La République de Cuba tient à formuler une réserve au sujet de l'alinéa 17 de l'article 2 de la Convention, dont elle n'appliquera pas les dispositions aux marchandises transportées par des services maritimes communs réguliers établis en vertu d'accords intergouvernementaux pour le transport de toutes marchandises, quels que soit leur origine, leur destination ou l'usage auquel elles sont destinées.

GERMAN DEMOCRATIC REPUBLIC

RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE

[GERMAN TEXT — TEXTE ALLEMAND]

„Die Deutsche Demokratische Republik erklärt, daß die Bestimmungen der Konvention über einen Verhaltenskodex für Linienkonferenzen nicht auf Gemeinschaftslinien angewendet werden, die auf der Grundlage zwischenstaatlicher Vereinbarungen für die Realisierung des zweiseitigen gemeinsamen Warenaustausches der entsprechenden Staaten geschaffen wurden."

[TRANSLATION]

The German Democratic Republic declares that the provisions of the Convention on a Code of Conduct for Liner Conferences will not be applied to jointly operated lines established on the basis of inter-governmental agreements for the joint conduct of the bilateral exchange of goods between the respective states.

[TRADUCTION]

La République démocratique allemande déclare que les dispositions de la Convention relative à un Code de conduite des conférences maritimes ne seront pas appliquées aux lignes maritimes exploitées en commun qui ont été créées en vertu d'accords intergouvernementaux concernant la conduite commune des échanges bilatéraux de marchandises entre les deux Etats signataires.

GERMANY, REPUBLIC FEDERAL OF

ALLEMAGNE, RÉPUBLIQUE FÉDÉRALE D'

[GERMAN TEXT — TEXTE ALLEMAND]

„1. Für die Zwecke des Verhaltenskodex kann der Begriff „nationale Linienreederei" im Falle eines Mitgliedstaats der Europäischen Wirtschaftsgemeinschaft jede gemäß dem EWG-Vertrag im Hoheitsgebiet dieses Mitgliedstaats niedergelassene Linienreederei, die Schiffe betreibt, umfassen.

2. *a*) Vorbehaltlich Buchstabe *b*) wird Artikel 2 des Verhaltenskodex im Konferenzverkehr zwischen Mitgliedstaaten der Europäischen Wirtschaftsgemeinschaft und — auf der Grundlage der Gegenseitigkeit — zwischen Mitgliedstaaten und anderen OECD-Ländern, die Vertragsparteien des Kodex sind, nicht angewandt.

b) Buchstabe *a*) steht dem nicht entgegen, daß Linienreedereien eines Entwicklungslandes, die als nationale Linienreedereien im Sinne des Verhaltenskodex anerkannt sind und die

i) bereits Mitglieder einer den betreffenden Verkehr bedienenden Konferenz sind oder

ii) zu einer solchen Konferenz nach Artikel 1 Absatz 3 des Kodex zugelassen werden, gemäß den in Artikel 2 des Kodex aufgestellten Grundsätzen als Drittland-Linienreedereien an diesem Verkehr teilnehmen können.

3. Artikel 3 und Artikel 14 Absatz 9 des Verhaltenskodex werden im Konferenzverkehr zwischen den Mitgliedstaaten der Gemeinschaft und — auf der Grundlage der Gegenseitigkeit — zwischen diesen Staaten und den anderen OECD-Ländern, die Vertragsparteien des Kodex sind, nicht angewandt.

4. Bei dem unter Artikel 3 des Verhaltenskodex fallenden Verkehr wird der letzte Satz des Artikels dahingehend ausgelegt, daß

a) die beiden Gruppen nationaler Linienreedereien ihren Standpunkt vor der Abstimmung über Fragen betreffend den Verkehr zwischen ihren beiden Ländern koordinieren;

b) dieser Satz nicht für alle im Konferenzabkommen geregelten Fragen gilt, sondern nur für diejenigen, die nach dem Konferenzabkommen der Zustimmung der beiden Gruppen nationaler Linienreedereien bedürfen.

5. Die Regierung der Bundesrepublik Deutschland wird im Einklang mit der von der Bevollmächtigtenkonferenz angenommenen Entschließung über Linienreedereien, die keiner Konferenz angehören, solche Linienreedereien an der Ausübung ihrer Tätigkeit nicht hindern, solange sie unter Einhaltung des Grundsatzes des lauteren Wettbewerbs mit den Konferenzen auf kaufmännischer Grundlage konkurrieren. Sie bekräftigt ihre Absicht, in Übereinstimmung mit der genannten Entschließung zu handeln."

[TRANSLATION]

1. For the purposes of the Code of Conduct, the term "national shipping line" may, in the case of a Member State of the European Economic Community, include any vessel-operating shipping line established on the territory of such Member State in accordance with the EEC Treaty.

2. (*a*) Without prejudice to paragraph (*b*), article 2 of the Code of Conduct shall not be applied in conference trades between the Member States of the European Economic Community or, on the basis of reciprocity, between such States and other OECD countries which are parties to the Code.

(*b*) Paragraph (*a*) shall not affect the opportunities for participation as third-country shipping lines in such trades, in accordance with the principles laid down in article 2 of the Code, of the shipping lines of a developing country which are recognized as national shipping lines under the Code and which are:

(i) Already members of a conference serving these trades; or

(ii) Admitted to such a conference under article 1 (3) of the Code.

[TRADUCTION]

1. Aux fins du Code de conduite des conférences maritimes, l'expression «compagnie maritime nationale» peut, dans le cas d'un Etat membre de la Communauté économique européenne, s'appliquer à toute compagnie maritime exploitant des navires établie sur le territoire de cet Etat membre conformément au traité de la CEE.

2. *a*) Sans préjudice des dispositions de l'alinéa *b*, l'article 2 du Code de conduite ne s'applique pas aux trafics assurés par une conférence entre les Etats membres de la Communauté économique européenne ou, sur la base de la réciprocité, entre ces Etats et d'autres pays de l'OCDE qui sont parties au Code.

b) L'alinéa *a* ne porte pas atteinte aux possibilités de participation à ces trafics, en tant que compagnies maritimes de pays tiers, conformément aux principes énoncés à l'article 2 du Code, des compagnies maritimes d'un pays en développement qui sont reconnues, en vertu du Code, comme étant des compagnies maritimes nationales et qui sont :

i) Déjà membres d'une conférence assurant ces trafics; ou

ii) Admises à participer à une telle conférence en vertu du paragraphe 3 de l'article premier du Code.

3. Articles 3 and 14 (9) of the Code of Conduct shall not be applied in conference trades between the Member States of the Community or, on a reciprocal basis, between such States and the other OECD countries which are parties to the Code.

4. In trades to which article 3 of the Code of Conduct applies, the last sentence of that article is interpreted as meaning that

(*a*) The two groups of national shipping lines will coordinate their positions before voting on matters concerning the trade between their two countries;

(*b*) This sentence applies solely to matters which the conference agreement identifies as requiring the assent of both groups of national shipping lines concerned, and not to all matters covered by the conference agreement.

5. The Government of the Federal Republic of Germany will not prevent non-conference shipping lines from operating as long as they compete with conferences on a commercial basis while adhering to the principle of fair competition, in accordance with the resolution on non-conference lines adopted by the Conference of Plenipotentiaries. It confirms its intention to act in accordance with the said resolution.

3. L'article 3 et le paragraphe 9 de l'article 14 du Code de conduite ne s'appliquent pas aux trafics assurés par une conférence entre les Etats membres de la Communauté ou, sur la base de la réciprocité, entre ces Etats et les autres pays de l'OCDE qui sont parties au Code.

4. En ce qui concerne les trafics visés à l'article 3 du Code de conduite, la dernière phrase de cet article est interprétée comme suit :

a) Les deux groupes de compagnies maritimes nationales coordonneront leurs positions avant de voter sur des questions concernant le trafic entre leurs deux pays;

b) Cette phrase ne s'applique qu'aux questions dont l'accord de conférence reconnaît qu'elles nécessitent le consentement des deux groupes de compagnies nationales concernées et non à toutes les questions dont traite l'accord de conférence.

5. Le Gouvernement de la République fédérale d'Allemagne n'empêchera pas les compagnies maritimes hors conférence de fonctionner pour autant qu'elles sont en concurrence avec les conférences sur une base commerciale tout en respectant le principe de la concurrence loyale, conformément à la résolution sur les compagnies hors conférence adoptée par la Conférence de plénipotentiaires. Elle confirme son intention d'agir conformément à ladite résolution.

INDIA

"In confirmation of paragraph (2) of the statement filed by the Representative of India on behalf of the Group of 77 on 8 April 1974 at the United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences, it is the understanding of the Government of In-

INDE

[TRADUCTION — TRANSLATION]

A l'appui du paragraphe 2 de la Déclaration prononcée par le représentant de l'Inde au nom du Groupe des 77 le 8 avril 1974 à la Conférence des plénipotentiaires des Nations Unies sur un code de conduite des conférences maritimes, pour le Gouvernement indien, il est en-

dia that the inter-governmental shipping services established in accordance with inter-governmental agreements fall outside the purview of the Convention on the Code of Conduct for Liner Conferences regardless of the origin of the cargo, their destination or the use for which they are intended."

tendu que les dispositions de la Convention relative à un code de conduite des conférences maritimes ne s'appliquent pas aux services maritimes intergouvernementaux régis par des accords intergouvernementaux, quelles que soient l'origine ou la destination des cargaisons et quelle que soit l'utilisation qui doit en être faite.

IRAQ (a)

IRAQ (a)

[ARABIC TEXT — TEXTE ARABE]

أن هـذه الوثيقة لاتعتبر بأى حال من الاحوال اعترافا باسرائيل أو الدخول بأى علاقة معها .

[TRANSLATION]

The accession shall in no way signify recognition of Israel or entry into any relation therewith.

[TRADUCTION]

L'adhésion n'implique en aucune façon la reconnaissance d'Israël ou l'établissement de relations quelconques avec lui.

NETHERLANDS (a)

PAYS-BAS (a)

[TRADUCTION — TRANSLATION]

Reservations:

"1. For the purposes of the Code of Conduct, the term "national shipping line" may, in the case of a Member State of the European Economic Community, include any vessel-operating shipping line established on the territory of such Member State in accordance with the EEC Treaty.

2. (*a*) Without prejudice to point (*b*) of this reservation, Article 2 of the Code of Conduct shall not be applied in conference trades between the Member States of the European Economic Community or, on a reciprocal basis, between such States and other OECD countries which are parties to the Code.

Réserves :

1. Aux fins du Code de conduite des conférences maritimes, l'expression «compagnie maritime nationale» peut, dans le cas d'un Etat membre de la Communauté économique européenne, s'appliquer à toute compagnie maritime exploitant des navires établie sur le territoire de cet Etat membre conformément au traité de la CEE.

2. *a*) Sans préjudice des dispositions du point *b* de la présente réserve, l'article 2 du Code de conduite ne s'applique pas aux trafics assurés par une conférence entre les Etats membres de la Communauté économique européenne ou, sur la base de la réciprocité, entre ces Etats et d'autres pays de l'OCDE qui sont parties au Code.

(*b*) Point (*a*) shall not affect the opportunities for participation as third country shipping lines in such trades, in accordance with the principles reflected in Article 2 of the Code, of the shipping lines of a developing country which are recognized as national shipping lines under the Code and which are:

(i) Already members of a conference serving these trades; or

(ii) Admitted to such a conference under article 1 (3) of the Code.

3. Articles 3 and 14 (9) of the Code of Conduct shall not be applied in conference trades between the Member States of the European Economic Community or, on a reciprocal basis, between such States and the other OECD countries which are parties to the Code.

4. In trades to which Article 3 of the Code of Conduct applies, the last sentence of that Article is interpreted as meaning that:

(*a*) The two groups of national shipping lines will coordinate their positions before voting on matters concerning the trade between their two countries;

(*b*) This sentence applies solely to matters which the conference agreement identifies as requiring the assent of both groups of national shipping lines concerned, and not to all matters covered by the conference agreement."

Declaration:

"[The Government of the Kingdom of the Netherlands]

— Will not prevent non-conference lines from operating as long as they compete with conferences on a commercial basis while adhering to the principle of fair competition, in accordance

b) Le point *a* ne porte pas atteinte aux possibilités de participation à ces trafics, en tant que compagnies maritimes de pays tiers, conformément aux principes énoncés à l'article 2 du Code, des compagnies maritimes d'un pays en développement qui sont reconnues, en vertu du Code, comme étant des compagnies maritimes nationales et qui sont :

i) Déjà membres d'une conférence assurant ces trafics; ou

ii) Admises à participer a une telle conférence en vertu du paragraphe 3 de l'article premier du Code.

3. L'article 3 et le paragraphe 9 de l'article 14 du Code de conduite ne s'appliquent pas aux trafics assurés par une conférence entre les Etats membres de la Communauté économique européenne, ou sur la base de la réciprocité, entre ces Etats et les autres pays de l'OCDE qui sont parties au Code.

4. En ce qui concerne les trafics qui sont visés à l'article 3 du Code de conduite, la dernière phrase de cet article est interprétée comme suit :

a) Les deux groupes de compagnies maritimes nationales coordonneront leurs positions avant de voter sur des questions concernant le trafic entre leurs deux pays;

b) Cette phrase ne s'applique qu'aux questions dont l'accord de conférence reconnaît qu'elles nécessitent le consentement des deux groupes de compagnies nationales concernées et non à toutes les questions dont traite l'accord de conférence.

Déclaration :

Le Gouvernement du Royaume des Pays-Bas

— N'empêchera pas les compagnies hors conférence de fonctionner pour autant qu'elles sont en concurrence avec les conférences sur une base commerciale tout en respectant le principe de

with the Resolution on non-conference lines adopted by the Conference of Plenipotentiaries;

– Confirms its intention of acting in accordance with the said Resolution."

la concurrence loyale, conformément à la résolution sur les compagnies hors conférence adoptée par la Conférence de plénipotentiaires;

– Confirme son intention d'agir conformément à ladite résolution.

UNION OF SOVIET SOCIALIST REPUBLICS (A)

UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES (A)

[RUSSIAN TEXT — TEXTE RUSSE]

«Правительство Союза Советских Социалистических Республик считает, что положения Конвенции о Кодексе поведения линейных конференций не распространяются на совместные судоходные линии, созданные на основе межправительственных соглашений для обслуживания двустороннего взаимного товарооборота соответствующих стран».

[TRANSLATION]

The Government of the Union of Soviet Socialist Republics considers that the provisions of the Convention on a Code of Conduct for Liner Conferences do not apply to joint shipping lines established on the basis of intergovernmental agreements to serve bilateral trade between the countries concerned.

[TRADUCTION]

Le Gouvernement de l'Union des Républiques socialistes soviétiques considère que les dispositions de la Convention relative à un code de conduite des conférences maritimes ne s'appliquent pas aux liaisons maritimes communes établies dans le cadre d'accords intergouvernementaux aux fins d'échanges commerciaux entre deux pays.