

No. 22428

**UNION OF SOVIET SOCIALIST REPUBLICS
and
SAO TOME AND PRINCIPE**

**Agreement on merchant shipping. Signed at Sao Tome on
19 February 1981**

Authentic texts: Russian and Portuguese.

Registered by the Union of Soviet Socialist Republics on 31 October 1983.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
SAO TOMÉ-ET-PRINCIPE**

**Accord relatif à la marine marchande. Signé à Sao Tomé
le 19 février 1981**

Textes authentiques : russe et portugais.

Enregistré par l'Union des Républiques socialistes soviétiques le 31 octobre 1983.

O presente Acordo manter-se-á em vigor até doze meses depois da data em que qualquer Parte Contratante notifique a outra Parte do seu desejo de denunciar o Acordo.

Para certificar o acima exposto, os abaixo assinados, devidamente autorizados pelos seus Governos correspondentes, assinaram este Acordo.

FEITO em São Tomé, aos 19 de fevereiro de 1981, em dois exemplares, cada um em russo e em português, fazendo ambos os textos igualmente fé.

Pelo Governo
da União das Repúblicas
Socialistas Soviéticas:

[Signed— Signé]

DIMITRI A. DIAKONOV
Embaixador extraordinário
e plenipotenciário

Pelo Governo
da República Democrática
da São Tomé e Príncipe:

[Signed— Signé]

FERNANDO JOSÉ PAQUETE DA COSTA
Secretário de Estado
dos Transportes e Comunicações

Article 5. Unless otherwise provided by this Agreement, each Contracting Party shall accord the other Contracting Party most-favoured-nation treatment in all matters of merchant shipping.

Article 6. 1. In respect of free access to ports, the use of ports for loading and unloading, the taking on and discharging of passengers, the use of navigation services and the execution of normal commercial operations, each Contracting Party shall accord to the vessels of the other Contracting Party the same treatment that it accords to its own vessels engaged in international transport.

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

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

Article 7. The Contracting Parties shall, within the limits of their legislation and port regulations, take all necessary measures to facilitate and expedite maritime transport, to prevent unnecessary delays of vessels and, where possible, to expedite and simplify the completion of customs and other port formalities.

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

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

Article 9. Each Contracting Party shall grant to holders of seamen's identity documents issued by the competent authorities of the other Contracting Party the rights laid down in articles 10 and 11 of this Agreement, provided that the relevant conditions are met. These identity documents shall be:

- For Soviet seamen, a USSR seaman's passport;
- For seamen of Sao Tome and Principe, a special service passport of the Democratic Republic of Sao Tome and Principe.

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

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

Article 11. 1. Holders of the seamen's identity documents specified in article 9 of this Agreement shall be permitted to enter the territory of the other Contracting Party as passengers by any means of transport or to pass through that territory in transit when travelling to join their ship, to transfer to another ship, for repatriation or for any other purpose approved by the authorities of the other Contracting Party.

2. In all the cases referred to in paragraph 1 of this article, seamen must be in possession of the appropriate visas of the other Contracting Party, which shall be issued by the competent authorities as quickly as possible.

3. Where the holder of the seaman's identity document referred to in article 9 of this Agreement is not a national of either Contracting Party, the visas specified in this article for entry to or transit through the territory of the other Contracting Party shall be granted, provided that the holder is guaranteed the right to return to the territory of the Contracting Party which issued the seaman's identity document.

Article 12. 1. Except as otherwise provided in articles 9 to 11 of this Agreement, the regulations governing the admission, stay and departure of aliens shall remain in force in the territory of the Contracting Parties.

2. Each Contracting Party reserves the right to refuse admission to its territory to seamen whom it regards as undesirable.

Article 13. 1. The judicial authorities of one Contracting Party shall entertain proceedings arising from a contract of service as a member of the crew on board a vessel of the other Contracting Party only with the consent of a competent diplomatic or consular official of the other Party.

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

3. The provisions of paragraph 2 of this article shall not apply in respect of any offence committed on board a vessel of one Contracting Party if:

- (a) The consequences of the offence extend to the territory of the other Party; or
- (b) The offence affects public order in the territory of the latter Party or that Party's security; or
- (c) The offence constitutes a grave crime under the laws of that Party; or
- (d) The offence was committed against a person other than a member of the crew of that vessel; or
- (e) The institution of the proceedings is necessary for the suppression of illicit traffic in narcotic drugs.

4. The provisions of paragraphs 2 and 3 of this article shall not affect the right of control and inquiry which the authorities of each Contracting Party have under their legislation.

Article 14. 1. If a vessel of one Contracting Party suffers shipwreck, runs aground, is cast ashore or sustains any other damage on or near the coast of the other Contracting Party, the vessel and the cargo shall enjoy, in the territory of the latter Party, the same benefits and privileges, and shall incur the same liability, as a vessel of the latter Party and its cargo.

2. Aid and assistance shall be afforded at all times, and in the same measure as in the case of vessels of the latter Party, to the crew members and passengers and to the vessel and its cargo.

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

4. The damaged vessel, its cargo, equipment and rigging, and supplies and other objects from the vessel shall be exempt from customs duties and any other import charges unless they are delivered for use or consumption in the territory of the other Contracting Party.

5. Nothing in the provisions of paragraph 4 of this article shall be construed in such a manner as to impede the application of the laws and regulations of the Contracting Parties concerning the temporary storage of goods.

Article 15. 1. Each Contracting Party shall grant compensation for claims on the basis of a decision handed down by a court of the other Contracting Party in a civil case relating to:

(a) The use of a vessel owned, operated or fully chartered by the first Contracting Party; or

(b) The transport of passengers or cargoes on board such a vessel.

2. In the territory of one Contracting Party, a vessel owned by the other Contracting Party shall not be subject to seizure in connection with any civil case referred to in paragraph 1, provided that the owner of the vessel indicates his representative in the territory in the first Contracting Party.

Article 16. In order to insure the implementation and application of this Agreement, the competent authorities of the Contracting Parties shall, where necessary, hold consultations.

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

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

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

DONE at Sao Tome on 19 February 1981, in duplicate in the Russian and Portuguese languages, both texts being equally authentic.

For the Government of the Union
of Soviet Socialist Republics:

[Signed]

DIMITRI A. DIAKONOV

Ambassador Extraordinary and
Plenipotentiary of the USSR in the
Democratic Republic of Sao Tome
and Principe

For the Government of the
Democratic Republic of Sao Tome
and Principe:

[Signed]

FERNANDO JOSÉ PAQUETE DA COSTA

Secretary of State
for Transport and Communications
