

No. 22427

**UNION OF SOVIET SOCIALIST REPUBLICS
and
MALTA**

**Agreement on merchant shipping. Signed at Valletta on
26 January 1981**

Authentic texts: Russian and English.

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

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
MALTE**

**Accord relatif à la marine marchande. Signé à La Valette
le 26 janvier 1981**

Textes authentiques : russe et anglais.

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

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

The Government of the Union of Soviet Socialist Republics and the Government of the Republic of Malta, desiring to develop merchant shipping between the two countries and to contribute to the development of international shipping on the basis of the principles of the freedom of navigation, have agreed as follows:

Article 1. In the present Agreement:

1. The term “vessel of the Contracting Party” shall mean any vessel registered in the territory of such Party in conformity with its laws and regulations.

2. The term “member of the crew” shall mean the master and any other person actually employed for duties on board during a voyage in the working or service of a vessel and included in the crew list.

Article 2. The present Agreement shall not apply to:

- (a) Ships of war;
- (b) Other vessels which for the time being are exclusively or partially employed for the purposes of the armed forces;
- (c) Vessels exercising any kind of public authority;
- (d) Fishing vessels or their catches.

Article 3. The Contracting Parties shall co-operate in promoting the freedom of merchant navigation and shall refrain from actions which might cause harm to the normal development of international shipping.

Article 4. The Contracting Parties shall, within the limits of their respective legislation, continue their efforts to maintain and to develop effective working relationships between the authorities responsible for maritime transport in their countries. In particular, the Contracting Parties agree to have consultations and to exchange information between the Government Departments responsible for maritime affairs in their countries and to encourage the development of contacts between their respective shipping organizations and shipping industries.

Article 5. 1. The Contracting Parties agree:

- (a) To promote participation of the vessels of the Union of Soviet Socialist Republics and of the Republic of Malta in sea trade between the ports of their countries;

¹ Came into force on 26 April 1981, i.e., 30 days after the date of the last of the notifications (effected on 16 and 27 March 1981) by which the Contracting Parties informed each other of the completion of the required procedures, in accordance with article 16.

- (b) To co-operate in the elimination of obstacles which might hamper the development of sea trade between the ports of their countries;
- (c) To facilitate and to co-operate in the participation of the vessels of each of the Contracting Parties in such sea trade between the ports of the other Contracting Party and the ports of third countries as the Contracting Parties consider to be in their interest to promote.

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

Article 6. 1. Subject to their respective legislation, each of the Contracting Parties shall afford to vessels of the other Contracting Party the same treatment as it affords to its own vessels engaged on international voyages in respect of free access to ports, use of ports for the loading and the unloading of cargoes and for the embarkation and the disembarkation of passengers, payments of tonnage and other dues and taxes, the use of services intended for navigation, and the exercise of normal commercial operations.

2. The provisions of paragraph 1 of this article:

- (a) Shall not apply to ports not open to the entry of foreign vessels;
- (b) Shall not apply to activities and facilities reserved by each of the Contracting Parties for their organizations or industries including, in particular, national cabotage;
- (c) Shall not apply to treatment given under cargo sharing arrangements;
- (d) Shall not oblige a Contracting Party to extend to vessels of the other Contracting Party exemptions from compulsory pilotage requirements granted to its own vessels;
- (e) Shall not apply to the regulations concerning entry and stay of foreigners.

Article 7. The Contracting Parties shall adopt, within the limits of their law and port regulations, all appropriate measures to facilitate and expedite maritime traffic, to prevent unnecessary delays to vessels, and to expedite and simplify as much as possible the carrying out of customs and other formalities applicable in ports.

Article 8. 1. The documents certifying the nationality of vessels, the certificates of tonnage and other ships documents issued or recognized by one of the Contracting Parties shall be recognized by the other Party.

2. The vessels of each of the Contracting Parties holding legally issued certificates of tonnage shall not be subject to re-measurement in the ports of the other Party and the net tonnage of the vessel noted in the certificate shall be taken as the basis for the calculation of the tonnage dues.

Article 9. Each of the Contracting Parties shall grant to the holders of seamen's identity documents issued by the competent authority of the other

Contracting Party, the rights provided in articles 10 and 11 of the present Agreement. These identity documents are:

- For seamen of the Soviet vessels, a USSR Seaman's Passport;
- For seamen of the Maltese vessels, a Maltese Passport or a Maltese Seaman's Card.

Article 10. Holders of the seamen's identity documents specified in article 9 of the present Agreement who are members of the crew of a vessel of the Contracting Party issuing such documents shall be permitted to stay for temporary shore leave without a visa during the stay of the vessel in a port of the other Contracting Party, provided that the master has submitted the crew list to the competent authorities in accordance with the regulations in force in that port.

While landing and returning to the vessel the persons aforementioned shall be subject to frontier and customs control in force in that port.

Article 11. 1. Holders of the seamen's identity documents specified in article 9 of the present Agreement shall be permitted, as passengers of any means of transport, to enter the territory of the other Contracting Party or to pass through its territory in transit whenever they are on their way to their vessel or moving to another vessel or on their way home or are travelling for any other purpose approved by the other Contracting Party.

2. In all cases specified in paragraph 1, the seaman must have the appropriate visa of the other Contracting Party which shall be granted by the competent authorities with the shortest possible delay.

Article 12. Each Contracting Party shall grant treatment similar to that provided for in articles 10 and 11 to any member of the crew of a vessel of the other Contracting Party (not being a national of either Contracting Party) who holds a seaman's identity document issued by the competent authority of the State concerned and conforming with the provisions of either the Seafarers' Identity Documents Convention, 1958¹ or the Convention on Facilitation of International Maritime Traffic, 1965,² provided that such document guarantees the re-admission of the bearer to the country which issued the document.

Article 13. Each of the Contracting Parties reserves the right to deny entry to its territory to seamen whom it considers undesirable.

Article 14. Shipping enterprises or companies which have their central management and control in the territory of one of the Contracting Parties shall not be charged or pay in the territory of the other Contracting Party taxes on profits derived from the operation of ships.

Article 15. The representative of the competent maritime authorities of both Contracting Parties shall meet at such intervals as may be appropriate for the purpose of reviewing the course of the implementation of the present Agreement and of discussing any other shipping matters of mutual interest.

¹ United Nations, *Treaty Series*, vol. 389, p. 277.

² *Ibid.*, vol. 591, p. 265.

Article 16. Each of the Contracting Parties shall notify the other Contracting Party of the completion of the necessary procedures for this Agreement to enter into force. The Agreement shall enter into force after thirty days from the date of the last notification.

It shall remain in force until three months from the date on which either Contracting Party shall have notified in writing to the other Contracting Party its intention to terminate the Agreement.

IN WITNESS WHEREOF, the undersigned duly empowered by their respective Governments, have signed the present Agreement.

DONE in duplicate at Valletta, Malta this 26 day of January one thousand nine hundred and eighty-one in two originals in the Russian and English languages, both texts being equally authentic.

For the Government of the Union
of Soviet Socialist Republics:

[Signed]

T. B. GUZHENKO
Minister of Merchant Marine

For the Government
of the Republic of Malta:

[Signed]

WISTIN ABELA
Minister of Development, Port,
Energy and Telecommunications
