

No. 22430

**UNION OF SOVIET SOCIALIST REPUBLICS
and
SRI LANKA**

Agreement on shipping. Signed at Colombo on 19 February 1982

Authentic texts: Russian, English and Sinhala.

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

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
SRI LANKA**

Accord relatif à la marine marchande. Signé à Colombo le 19 février 1982

Textes authentiques: russe, anglais et cinghalais.

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 DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA ON SHIPPING

The Government of the Union of Soviet Socialist Republics and the Government of the Democratic Socialist Republic of Sri Lanka, desiring to develop merchant shipping between the two countries on the basis of equality and mutual benefit and to contribute to the development of international shipping, have agreed as follows:

Article 1. In this Agreement:

1. The term “vessel of the Contracting Party” shall mean any vessel registered in the shipping register of that Party and flying its flag. The term shall not include war ships, auxilliary war ships, fishing vessels and any other vessels designed or used for non-commercial purposes.

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

Article 2. The Contracting Parties shall, within the limits of their national legislation, continue their efforts to maintain and to develop effective working relationships between the authorities of the two Contracting Parties responsible for maritime transport. In particular, the Contracting Parties agree to carry on mutual consultations and the exchange of information between the Government Departments responsible for shipping matters in their countries and to encourage the development of contacts and cooperation between their respective shipping organizations and enterprises.

Article 3. 1. The Contracting Parties agree:

- a) To promote the establishment of a joint liner service to serve the liner trade between the two countries. To achieve this objective the designated national shipping lines of the two countries shall conclude a commercial agreement to share equally both in terms of tonnage and freight earnings the total liner cargo moving between the two countries;
- b) To cooperate in elimination of the obstacles which might hamper the development of sea-borne trade between the ports of the two countries;
- c) Not to hinder the participation of the vessels of one Contracting Party in sea-borne trade between the ports of the other Contracting Party and the ports of third countries.

2. The provisions of this article shall not affect the right of the vessels of third countries to participate in sea-borne trade between the ports of the Contracting Parties under the terms of charter-parties and/or other arrangements between the shipowners and charterers of either Contracting Party.

¹ Came into force on 19 February 1982 by signature, in accordance with article 18.

Article 4. Unless otherwise provided for by this Agreement, each Contracting Party shall grant to the other Contracting Party the most-favoured nation treatment in the matters concerning merchant shipping.

Article 5. 1. Each Contracting Party shall afford to vessels of the other Contracting Party the same treatment as it affords to its own vessels engaged in international voyages in respect of free access to ports, use of ports for loading and unloading of cargoes and for embarking and disembarking passengers, payment of tonnage and other dues and taxes, exercising normal commercial operations and use of services intended for navigation.

2. Each Contracting Party shall afford as far as it is consistent with its national legislation, to the vessels of third countries time-chartered by the charterers of the other Contracting Party or by its respective shipping organizations the same treatment in its ports as granted to the vessels of that Party.

3. The provisions of this article:

- a) Shall not apply to ports not open to the entry of foreign vessels;
- b) Shall not apply to the activities reserved by each of the Contracting Parties for their organizations or enterprises including, in particular, national cabotage;
- c) 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;
- d) Shall not affect the national regulations concerning entry and stay of foreigners in the territory of either Contracting Party.

Article 6. The Contracting Parties shall adopt, within the limits of their national law and regulations, all appropriate measures to facilitate and expedite maritime traffic, to prevent unnecessary delays to vessels, and to expedite and simplify to the extent possible the carrying out of customs and other formalities applicable in ports.

Article 7. 1. The documents certifying the nationality of vessels, certificates of tonnage and other ship's documents issued or recognized by one of the Contracting Parties shall be recognized by the other Contracting 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 calculation of the tonnage dues.

Article 8. Each of the Contracting Parties shall grant to the holders of the seamen's identity documents issued by the competent authority of the other Contracting Party the rights provided in articles 9 and 10 of this Agreement.

These identity documents are:

- For seamen of the Soviet vessels, a USSR Seaman's Passport;
- For seamen of the Srilankan vessels, a Continuous Discharge Certificate.

Article 9. Holders of the seamen's identity documents specified in article 8 of this Agreement are permitted in the case of being members of the crew of the vessel of the Contracting Party, which issued the seaman's identity document, to stay on

temporary shore leave without visas 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 mentioned are subject to immigration and customs control in force in the port concerned.

Article 10. 1. Holders of the seamen's identity documents specified in article 8 of this Agreement are 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 the way to their vessel or moving to another vessel, on the way to the home country or travelling for any other reason, approved by the authorities of this other Contracting Party.

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

3. In case of the holder of a seaman's identity document specified in article 8 of this Agreement not being a citizen of either Contracting Party, the visas specified in this article for entry into or transit passage via the territory of the other Contracting Party shall be granted provided that return to the territory of the Contracting Party, which had issued the seaman's identity document, is guaranteed to the holder of such a document.

Article 11. 1. Subject to the provisions of articles 8 to 10 of this Agreement, the national laws and regulations governing the entry, stay and departure of foreign nationals shall be applicable to the crew members in the territories of the Contracting Parties.

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

Article 12. 1. If a vessel of one of the Contracting Parties suffers shipwreck, runs aground, is cast ashore or suffers any other accident off the coast of the other Contracting Party, the vessel and the cargo shall enjoy, in the territory of the latter Party, the same treatment which is accorded to a national vessel and cargo.

2. The crew and passengers as well as the vessel itself and its cargo shall be granted, at any time, assistance to the same extent as in the case of a national vessel.

3. The cargo and any other item unloaded or salvaged from the vessel specified in paragraph 1 of this article shall not be liable to any customs duties, provided they are not delivered for use or consumption in the territory of the other Contracting Party.

Article 13. The Contracting Parties shall instruct their competent authorities to negotiate and conclude an agreement in order to minimise possibilities of arrest or detention of vessels owned by one Contracting Party in the territory of the other Contracting Party in connection with civil proceedings.

Article 14. Each Contracting Party subject to its national legislation and regulations shall provide necessary facilities in its territory to the designated national

shipping lines and shipping organizations of the other Contracting Party to establish their representatives' offices.

Article 15. For efficient implementation of this Agreement and for consideration of any other shipping matters of mutual interest a Joint Committee will be set up. This Committee will be convened at the request of either Contracting Party and will meet alternately in the USSR and Sri Lanka.

Article 16. If either of the Contracting Parties considers it desirable to modify the provisions of this Agreement or supplement additional provisions, it may request consultations with the other Contracting Party. The agreed modifications or supplements will become effective after they have been confirmed by an exchange of notes through diplomatic channels.

Article 17. If any dispute arises between the Contracting Parties or the designated shipping lines relating to the interpretation or application of this Agreement they shall endeavour to settle the dispute in the spirit of cooperation and mutual understanding.

Article 18. This Agreement shall enter into force on the date of its signature and shall remain in force until twelve months from the date on which either Contracting Party shall have notified to the other Party on its denunciation.

DONE in Colombo this 19 day of February 1982 in two originals in Russian, English and Sinhala languages, all texts being equally authentic.

For the Government
of the Union of Soviet
Socialist Republics:

[Signed--- Signé]¹

For the Government
of the Democratic Socialist Republic
of Sri Lanka:

[Signed--- Signé]²

¹ Signed by T. Guzhenko -- Signé par T. Goujenko.

² Signed by L. Atulatmudali -- Signé par L. Atulatmudali.