

No. 26764

**FINLAND
and
UNION OF SOVIET
SOCIALIST REPUBLICS**

**Agreement to avoid the detention or arrest of vessels. Signed
at Moscow on 18 December 1985**

Authentic texts: Finnish and Russian.

Registered by Finland on 16 August 1989.

**FINLANDE
et
UNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES**

**Accord visant à éviter la détention ou la saisie de navires.
Signé à Moscou le 18 décembre 1985**

Textes authentiques : finnois et russe.

Enregistré par la Finlande le 16 août 1989.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF FINLAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO AVOID THE DETENTION OR ARREST OF VESSELS

The Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics,

Proceeding on the basis of the friendly relations between the Republic of Finland and the Union of Soviet Socialist Republics,

Having regard to the relevant exchanges of letters pertaining to the Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics concerning Navigation, signed on 3 April 1974,²

Desiring further to develop and strengthen co-operation between the two countries in the field of navigation,

Have agreed as follows:

Article 1

For the purposes of this Agreement, the term "ship" means any vessel entered in the ships' register of a Contracting Party or sailing under its flag in accordance with the legislation in force in the territory of that Contracting Party.

This term shall not, however, include warships or other ships used exclusively for administrative or State purposes.

Article 2

The detention or arrest of a ship shall not be effected in the territory of the other Contracting Party in connection with any property claim. In such case the owner or operator of the ship shall proceed in accordance with the provisions of articles 3, 4 and 5 of this Agreement.

Article 3

If the creditor so requests, the owner or operator of the ship must furnish the creditor with a written undertaking that the property claim lodged by the creditor will be met in accordance with the procedure laid down either by a separate agreement between them or by a court ruling or arbitral award having legal force.

Article 4

The owner or operator of the ship shall, in advance, or for the purpose of any court or arbitration proceedings instituted, appoint a representative in the territory of the other Contracting Party who shall be required to accept a court summons on behalf of his principal and to act on his behalf in court or arbitration proceedings.

¹ Came into force on 23 April 1989, i.e., 30 days after the date (23 March 1989) on which the Parties had informed each other of the completion of the required constitutional formalities, in accordance with article 6.

² United Nations, *Treaty Series*, vol. 965, p. 29.

The creditor and the competent body with which an application has been lodged concerning the adoption of measures to meet the property claim shall be informed of the appointment of the representative.

Article 5

If the creditor requests, the owner or operator of the ship shall be required to issue a guarantee acceptable to the creditor concerning the fulfilment of the undertaking provided for in article 3 of this Agreement, no later than 30 days from the date on which the creditor's request for the issue of such a guarantee is transmitted to him in written form.

This request may also be presented to the representative referred to in article 4 of this Agreement.

Article 6

This Agreement shall enter into force 30 days after the Contracting Parties have informed each other of the completion of the constitutional formalities required for the entry into force of this Agreement.

This Agreement shall remain in force until such time as it is denounced by one of the Contracting Parties upon 12 months' notice.

DONE at Moscow on 18 December 1985, in duplicate in the Finnish and Russian languages, both texts being equally authentic.

For the Government
of the Republic of Finland:

JERMU LAINE

For the Government
of the Union of Soviet Socialist Republics:

T. B. GUZHENKO
