

N° 350.

ESTHONIE ET FINLANDE

Accord relatif à l'entretien et à l'utilisation des câbles sous-marins finlando-esthoniens et aux communications télégraphiques et téléphoniques échangées entre l'Esthonie et la Finlande au moyen de ces câbles, signé à Helsingfors le 29 octobre 1921.

ESTHONIA AND FINLAND

Agreement regarding the upkeep and use of the Finnish-Esthonian submarine cables, and also regarding telegraphic and telephonic communication between Esthonia and Finland by means of these cables, signed at Helsingfors, October 29, 1921.

TEXTE FINNOIS. — FINNISH TEXT.

No. 350. — SOPIMUS¹ SUOMEN JA EESTIN VÄLISTEN MERENALAISTEN KAAPELIEN KUNNOSSAPIDOSTA JA KÄYTÖSTÄ SEKÄ NÄITTEN KAAPELIEN VÄLITYKSELLÄ TAPAHTUVASTA SÄHKÖSANOMA- JA PUHELINLIIKENTEESTÄ SUOMEN JA EESTIN VÄLILLÄ.

Textes officiels esthoniens, finnois et suédois communiqués par le Ministre des Affaires étrangères de Finlande. L'enregistrement de cet accord a eu lieu le 4 novembre 1922.

Official Esthonian, Finnish and Swedish texts communicated by the Finnish Minister for Foreign Affairs. The registration of this Agreement took place on November 4, 1922.

Suomen Tasavallan Hallitus ja Eestin Tasavallan Hallitus ovat, haluten järjestää Suomen ja Eestin välisten merenalaisten kaapelien kunnossapidon ja käytön sekä näitten kaapelien välityksellä tapahtuvan sähkösanoma- ja puhelinliikenteen Suomen ja Eestin välillä, päättäneet solmia sitä koskevan sopimuksen, ja ovat valtuutetuikseen nimittäneet,

SUOMEN TASAVALLAN HALLITUS :

Ylijohtaja Emil ÖHMANN'IN,

EESTIN TASAVALLAN HALLITUS :

Filologiankandidaatti Max HURTIN,

Ylimääräisen lähettilään ja täysivaltaisen ministerin, tohtori Oskar Philipp KALLAKSEN ja Kapteeni Johannes LOOSBERGIN.

Esitettyään toisilleen hyvässä ja asianmukaisessa muodossa oleviksi havaitut valtakirjansa ja tehtyään erikoissopimuksen, jonka mukaan Suomen ja Eestin rannikkoitten välillä olevat kuusi (6) merenalaista kaapelia, nimittäin: 1) Santahamina—Tallinna (2-johtoinen), 2) Kaivopuisto—Pirita (1-johtoinen), 3) Santahamina—Tammneeme (2-johtoinen), 4) Stora Träskö—Makiluoto—Rohuneeme (4-johtoinen, pupinisoitu), 5) Suursaari—Kunda (1-johtoinen) ja 6) Porkkala—Makiluoto—Rohuneeme (2-johtoinen), jonka suomenpuoleinen pää on sodan aikana vahingoittunut eikä nykyisin ole löydettävissä, ovat tunnustetut molempien sopimuspuolten yhteiseksi omaisuudeksi, ovat valtuutetut sopineet seuraavista artikloista :

1 artikla.

Suomen ja Eestin lennätinhallitukset päättävät keskinäisellä sopimuksella, mitä kaapeleita on käytettävä sähkösanomien, puhelujen tai samalla kertaa sähkösanomien ja puhelujen välitykseen.

2 artikla.

Molempien sopimusvaltioiden lennätinhallituksien on hankittava tarvittavat kaapelimitauskoneet ja muut välttämättömät laitteet sekä pidettävä ne kunnossa.

3 artikla.

Kaapelien vikaantuessa on Suomen ja Eestin lennätinhallituksien toimeenpantava tarvittavat kaapelimitaukset vikaantumispaikan selville saamiseksi sekä kysymykseen tulevissa tapauksissa

¹ L'échange des ratifications a eu lieu à Helsingfors, le 12 octobre 1922.

¹ The exchange of ratifications took place at Helsingfors, October 12, 1922.

korjattava viat ja on heidän ilmoitettava toinen toiselleen sekä mittauksen että toimeenpantujen korjausten tulokset.

4 artikla.

Kumpikin molemmista lennätinhallituksista pitää huolta rannikoltaan lähtevän kaapelinpuoliskon kuntoonsaattamisesta, kunnossapidosta ja korjauksesta. Mainituista töistä aiheutuvat kulut jaetaan tasan, niin että Suomi suorittaa puolet Eestille täten aiheutuneista menoista ja Eesti puolet Suomelle täten aiheutuneista menoista. Kummallakin lennätinhallituksella on oikeus lähettää edustajansa yllämainittuihin töihin. Töiden suoritusta ei kuitenkaan sellaisen edustajan odottamisen vuoksi saa siirtää tuonneemmaksi.

Näistä menoista molemmilla puolilla laaditut laskut verrataan ja saldo suoritetaan vuosittain joulukuun kuluessa.

5 artikla.

Yllämainitut kaapelit vastaaviin lennätin- tai puhelinlaitteisiin yhdistävien lennätin- ja puhelinlinjojen maa- ja ilmajohtojen kunnossapidosta aiheutuvat menot, samoin kuin kaikki merenalaisten kaapelipäiden siirrosta toisesta paikasta toiseen aiheutuvat kustannukset suorittaa kummankin sopimusmaan lennätinhallitus omalla puolellaan toisen sopimusmaan ottamatta osaa näihin menoihin.

6 artikla.

Helsingin ja Tallinnan lennätinkonttorit välittävät sähkösanomat käyttäen joko Morse-, Hughes- tai jotakin muuta konetta riippuen liikenteen vilkkaudesta. Sähkösanomia välitetään lakkaamatta läpi vuorokauden.

7 artikla.

Molemmat lennätinhallitukset sopivat sähköttämiseen käytettävän sähkövirran voimakkuudesta.

8 artikla.

Kaapeleitse välitetään sekä molempien sopimusvaltioiden keskinäisiä sähkösanomia että myös kauttakulkusähkösanomia.

9 artikla.

Kaapeleitse Suomen ja Eestin välillä välitettävistä terminaali- ja kauttakulkusähkösanomista kannetaan, paitsi vastaavia terminaali- ja kauttakulkumaksuja, kaapelimaksu, jonka suuruudesta sopimusvaltioiden hallitusten on sovittava.

Kahden vuoden kuluttua tämän sopimuskirjan ratifioimisesta lukien on tämä kaapelimaksu lakkautettava, jos jompikumpi sopimuspuoli sitä vaatii.

10 artikla.

Sopimusvaltioiden lennätinhallitusten tulee suorittaa sähkösanomavaihto, tilien laatiminen ja vertaaminen, tilien tasoitus samoin kuin lennätinviranteko, olla se mitä laatua tahansa, noudattaen Pietarissa tehdyn kansainvälisen lennätinliittokirjan määräyksiä (Lissabonissa v. 1908 tarkistettu painos¹), sikäli kuin tässä sopimuksessa ei toisin määrätä.

11 artikla.

Puhelut välittää Suomessa Helsingissä sijaitseva valtion keskus, Eestissä Tallinnan ulkolinjakeskus. Lennätinhallitukset sopivat siitä, mihin muihin kaupunkeihin ja paikkakuntiin puheluja voidaan välittää.

¹ De Martens, nouveau Recueil Général des Traités, deuxième série, tome III, page 614 et troisième série, tome V, page 208.

¹ British and Foreign State Papers, vol. 66, page 19, and vol. 102, page 214.

¹TRANSLATION.

No. 350. — AGREEMENT REGARDING THE UPKEEP AND USE OF THE FINNISH-ESTHONIAN SUBMARINE CABLES AND ALSO REGARDING TELEGRAPHIC AND TELEPHONIC COMMUNICATION BETWEEN ESTHONIA AND FINLAND BY MEANS OF THESE CABLES, SIGNED AT HELSINGFORS, OCTOBER 29, 1921.

The GOVERNMENT OF THE REPUBLIC OF FINLAND and the GOVERNMENT OF THE REPUBLIC OF ESTHONIA, being desirous of settling the question of the upkeep and use of the Finnish-Esthonian submarine cables and of organising the telegraph and telephone traffic between Finland and Esthonia by means of these cables, have decided to conclude an agreement, and for this purpose have appointed as their plenipotentiaries :

For the GOVERNMENT OF THE REPUBLIC OF FINLAND
Director-General Emil ÖHMANN.

For the GOVERNMENT OF THE REPUBLIC OF ESTHONIA :
Max HURT, Bachelor of Philology.
Oscar Philipp KALLAS, Envoy Extraordinary and Minister Plenipotentiary, and
Captain Johannes LOOSBERG.

After having exchanged their full powers, which were found in good and due form, and having regard to the fact that they had concluded a separate treaty, by the terms of which the six submarine cables laid down between the coasts of Finland and Esthonia, namely, (1) Sandhamn-Reval (double core) ; (2) Brunnsbark-Pireti (single core) ; (3) Sandhamn-Tammneeme (double core) ; (4) Stora Träskö-Mac Elliot-Rohuneeme (4 core [pupineserad]) ; (5) Hogland-Kunda (single core) ; (6) Porkkala-Mac Elliot-Rohuneeme (double core) ; which were damaged at the Finnish ends during the war and cannot at present be used, are recognised as being the common property of both contracting States, the Plenipotentiaries have mutually agreed upon the following Articles :

Article 1.

The Telegraph Administrations in Finland and Esthonia shall conclude a mutual agreement as to which cables shall be used respectively for the despatch of telegrams, telephone messages, and both telegrams and telephone messages.

Article 2.

The Telegraph Administrations of both contracting States shall provide for the supply and maintenance of the necessary instruments for measuring cables and other requisite equipment.

¹ Translated by the Secretariat of the League of Nations.

Article 3.

Should a cable be damaged, the Telegraph Administrations in Finland and Esthonia shall carry out the necessary examination of the cable and shall ascertain the locality of the damage in such a case they shall provide for the repair of the damage and shall also inform each other of the results both of the examination and of the measures taken for carrying out repairs.

Article 4.

Each Telegraph Administration shall be responsible for putting into order, maintaining and repairing that half of the cable nearest its own coast. Expenditure incurred for work of this kind shall be equally divided, Finland defraying half of the expenses paid by Esthonia, and Esthonia paying half of the amount expended by Finland for such purposes. Both Telegraph Administrations are entitled to send representatives to be present at the carrying out of such work. The carrying out of the work shall, however, not be postponed pending the arrival of these representatives.

The expenses incurred by both Parties under this head shall be balanced, and the accounts shall be settled in December of each year.

Article 5

The cost of maintaining the land and air lines of the telegraph and telephone connections which join these cables with the respective telegraph and telephone stations, and also the expenditure incurred for the purpose of transference of cable ends from one place to another, shall be defrayed by the Telegraph Administrations of both contracting countries, each for its own territory ; the other contracting country shall not be required to share in defraying these expenses.

Article 6.

The Telegraph offices at Helsingfors and Reval shall dispatch telegrams by means of the Morse, Hughes or any other apparatus, according to the intensity of the traffic. Telegrams shall be dispatched uninterruptedly throughout the day and night.

Article 7.

The two Telegraph Administrations shall mutually agree as to the strength of the electric current to be employed for telegraphing.

Article 8.

Both contracting States shall transmit by those cables both telegrams from one State to the other and also transit telegrams.

Article 9.

As regards telegrams, whether terminal or in transit, dispatched by cable between Finland and Esthonia, a cable charge shall be levied, in addition to terminal and transit dues ; the amount

of this charge shall be fixed by mutual agreement between the Governments of the contracting countries.

After a period of two years has elapsed from the date of the ratification of the Treaty, this charge shall be abolished, upon the application of either of the contracting parties.

Article 10.

As regards the dispatch of telegraphic correspondence, the fixing and comparison of rates, the settlement of amounts due, and also as regards the operation of the telegraph service, and of everything connected therewith, the telegraph administrations of the contracting countries shall observe the provisions of the International Telegraph Convention concluded at Petrograd the (text revised at Lisbon in 1908) except in so far as otherwise provided by the present agreement.

Article 11.

Telephonic communication shall be provided in Finland at the State centre at Helsingfors, and in Esthonia at the inter-urban centre at Reval. The telegraphic administrations shall mutually agree as to the other towns and places at which telephonic communication may be provided.

Article 12.

The telephone centres, both at Helsingfors and at Reval, shall be open daily from 8 a.m. until 12 p.m. Eastern European time, for purposes of telephonic communication.

Note 1. — All telephone calls asked for before 12 p.m. must be put through at either station before the expiration of the hours of service.

Note 2. — If it should become necessary to alter the hours of service of the telephone centres, the telegraph administrations may conclude an agreement for that purpose.

Article 13.

The unit of time on which the charges made shall be based, shall consist of an uninterrupted period of three minutes. A conversation shall be considered as beginning from the time when the caller receives an answer from the number called and the line is open for conversation.

A conversation may last for more than 3 minutes, but not for more than the following period of 3 minutes. Conversations may be continued for further periods only if no other calls have been asked for.

As regards the calculation of the charge to be made, a call which has lasted for 3 minutes or less shall be considered as a single call, while a call lasting more than 3 minutes shall be considered as 2 or more calls, according to the number of periods of 3 minutes for which it has lasted.

An unlimited time shall be allowed for conversations which are carried on by Government departments, or by the representatives of the Telegraph Administrations.

Article 14.

Calls shall be classified under the following heads :

- (1) Calls of Government departments.
- (2) Telegraph Department calls regarding the telegraph or telephone service.

- (3) Urgent private calls.
- (4) Meteorological calls.
- (5) Ordinary calls.
- (6) Press calls (this category also includes calls from press agencies.)

In addition to these calls, private time calls shall also be transmitted.

Article 15.

The standard charge for an ordinary private call of 3 minutes shall be 4 $\frac{1}{2}$ (4.50) Finnish marks ; this charge shall be the basis of the charges for time calls, urgent calls, press calls and also for calls lasting more than 3 minutes.

For private time calls the charge shall be 4 times that for ordinary calls.

For Government department calls, the charge made shall be the same as for ordinary private calls.

Telegraph and telephone service calls shall be free of charge.

For a private urgent call, the charge shall be three times that for ordinary calls.

The charge for meteorological and press calls shall be half that for ordinary private calls. Press calls, so far as they are allowed in virtue of agreements between the Telegraph Administrations of the two States, may be transmitted between the hours of 9 and 12 p.m. No time-limit shall be fixed for press calls, provided that no other calls have been asked for, in which case the time allowed for these calls shall be limited to half-an-hour. The charge shall, however, be computed according to the number of periods of 3 minutes.

Press calls transmitted between 8 a. m. and 9 p. m., shall be charged for at the rate of ordinary private calls, without any reduction.

Note. — If necessary, the standard charge may be varied by an agreement between the Telegraph Administrations of the two States.

Article 16.

As regards charges for telephone calls between the contracting States which are, collected either in Finland or Esthonia, one-half shall be allotted to Finland and the other half to Esthonia.

Article 17.

Calls are transmitted in the order in which they are asked for, and precedence is granted in accordance with the classification contained in Article 14. Calls are transmitted alternately from Finland and from Esthonia.

If one of the Contracting States is at war, its official Government calls concerning military matters shall be forwarded at once with priority over any other call.

In the event of both countries being jointly engaged in war, should the military authorities wish to have cables at their disposal, one cable-core for telegraphic purposes and one double-core cable for telephonic purposes shall be placed at their disposal. The War Ministries of both Governments shall be responsible, within their respective territories, for the maintenance and, when necessary, the repair of such cables. After the conclusion of peace the cables shall at once be handed over to the telegraph administrations.

If no answer is received from a number which has been called, or if the call is cancelled before the line is opened for conversation, no charge shall be made.

If the line is opened in response to a call and if the caller does not wish to avail himself of the call, a charge shall nevertheless be made.

Article 18.

At the end of each previous month both Contracting Parties shall draw up accounts, based on their daily record books, for the foregoing month, of the telegraph and telephone traffic between Finland and Esthonia.

The charges made shall be entered in the record books ; they shall be calculated in gold francs for the telegraph traffic and in Finnish marks for the telephone traffic.

Whichever of the Contracting Parties has a balance to its credit shall send its record books to be audited by the other Contracting Party. This auditing shall be carried out not later than three weeks after the record books have been received, and the latter must be returned, together with the requisite approval, within the same period.

Should the balance of the debtor country be the same as that of the creditor country, or should the difference between the two totals not exceed 1 % of the total amount which the debtor country has to pay, the accounts shall be approved without having been audited.

Article 19.

The debtor Party shall settle its debt not later than three weeks after the accounts in question have been approved.

Article 20.

Should any difference of opinion arise between the Contracting Parties regarding the interpretation or application of this Agreement, such dispute shall, on the demand of either of the Parties, be referred for settlement by a court of arbitration.

In all such disputes the court of arbitration shall be formed in every case of dispute in the following manner : — both Parties shall designate as members of the court two suitable persons from their own nationals, and shall jointly designate as chairman a person belonging to some friendly third Power.

The award shall be based on a majority vote.

The Contracting Parties shall share the cost of such arbitration.

Article 21.

This Agreement shall be drawn up in the Finnish, Swedish and Esthonian languages and all three texts shall be of equal authenticity.

The Agreement requires to be ratified. The ratifications shall be exchanged as soon as possible at Helsingfors.

Article 22.

This Agreement shall come into force on the day after the exchange of ratifications, and shall remain in force until a new agreement regarding the use of submarine cables between Finland and Esthonia comes into force.

The Contracting Parties reserve the right to denounce this Agreement at twelve months' notice.

In faith whereof the Plenipotentiaries of both Contracting Parties have signed this Agreement with their own hands and have thereto affixed their seals.

Done in duplicate in the Finnish, Swedish and Esthonian languages, and signed at Helsingfors on the twenty-ninth day of October nineteen hundred and twenty-one.

(L.S.) E. ÖHMANN.

(L.S.) MAX HURT.

(L.S.) OSKAR KALLAS.

(L.S.) J. LOOSBERG.