

BELGIQUE ET PAYS-BAS

Protocole de la Conférence belgo-néerlandaise sur l'application réciproque des lois et règlements concernant la sécurité de la navigation maritime, signé à La Haye le 9 novembre 1922, avec une note portant ratification dudit protocole, signée à Bruxelles le 14 juillet 1923.

BELGIUM AND THE NETHERLANDS

Protocol of the Belgian-Netherlands Conference on the reciprocal application of the Laws and Regulations regarding the safety of maritime navigation, signed at The Hague, November 9, 1922, with a note ratifying the Protocol, signed at Brussels, July 14, 1923.

¹ TRADUCTION. — TRANSLATION.

No. 511. — PROTOCOL OF THE BELGIAN-NETHERLANDS CONFERENCE ON THE RECIPROCAL APPLICATION OF THE LAWS AND REGULATIONS REGARDING THE SAFETY OF MARITIME NAVIGATION, SIGNED AT THE HAGUE, NOVEMBER 9, 1922, WITH A NOTE RATIFYING THE PROTOCOL, SIGNED AT BRUSSELS, JULY 14, 1923.

French official text communicated by the Netherlands Minister at Berne. The registration of this Protocol took place October 29, 1923.

The ROYAL GOVERNMENT OF BELGIUM and the ROYAL GOVERNMENT OF THE NETHERLANDS, being both desirous of providing for the safety of navigation and of facilitating the operations of maritime commerce;

and having considered the existing provisions in regard to these matters, as laid down in the Belgian and Netherlands laws and regulations, and the desirability of according equal validity to the navigation licences issued in the two countries in conformity with the Belgian law on the safety of vessels, and the Netherlands law known as the "Schepenwet", and the regulations connected therewith :

have decided to undertake a joint enquiry into the question of the equivalence of the above-mentioned licences and have for that purpose appointed :

FOR BELGIUM :

M. P. MOULIN, Chief Engineer, Administrative Director of the Navy ;
M. H. de Vos, Doctor of Law, Directing Inspector of the Navy ;

FOR THE NETHERLANDS :

M. A. D. MULLER, Inspector-in-Chief of Navigation ;
M. J. W. G. COOPS, Official in the Ministry of Agriculture, Industry and Commerce ;

Assisted by :

M. J. N. de RONDE, Administrative Official in the Inspectorate of Navigation.

The above-mentioned persons, having met at The Hague at the Department of Agriculture, Industry and Commerce, and having held meetings on November 7 and 8, 1922, arrived at the following conclusions :

The Delegations of the two Governments, after exchanging explanations in regard to their respective laws, agreed that, speaking generally, the Belgian and Netherlands regulations

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

regarding the issue of navigation licences are of equal value from the point of view of safety of navigation ; nevertheless they thought it necessary to make the following observations :

Sphere of application of the respective legal provisions.

The Belgian laws and regulations, unlike those of the Netherlands, are applicable to all boats and vessels of any kind used for the transport of passengers in Belgian maritime waters ; these waters include those parts of the Scheldt which are policed by the Belgian naval Administration.

The Netherlands Delegation recognises that it is desirable to apply the necessary measures of safety not covered by the " Schepenwet ", or the regulations connected therewith, to the above mentioned vessels. It will draw the attention of its Government to the fact that reciprocal treatment cannot be accorded to the above-mentioned vessels until measures have been taken to ensure equivalence.

Period of validity of navigation licences.

As regards the duration of the validity of navigation licences, the Netherlands regulations appear less rigorous than those of Belgium, which expressly lay down a maximum time-limit, whereas the former allow a certain latitude to the inspecting staff.

Both Delegations were, however, agreed in recognising that the duration of the validity of the licence is, in practice, limited in an equal degree in the regulations of the two countries, since Article 15 of the Netherlands regulations provides for an annual inspection in dry dock of all vessels, except sailing vessels of less than 200 tons, and dredgers without their own means of propulsion, and since this inspection is the basis of the navigation licence.

Inspection of vessels at the time of sailing.

Neither the Netherlands nor the Belgian regulations make it compulsory for vessels to be inspected whenever they sail.

Nevertheless, in the case of emigrant ships, the Belgian legislation requires a clearing certificate (certificat de partance). This certificate is compulsory for any ship which embarks emigrants in a Belgian port

Division of vessels into compartments.

Equipment and spare stores.

As regards the division of vessels into compartments, the Belgian regulations require the application of certain of the provisions of the Convention of London of January 20, 1914 ; whereas the Netherlands regulations merely contain instructions of a general character.

As the Netherlands Government has ratified the above-mentioned Convention of London and proposes to put it in force when it has been given its final form, the two Delegations agree that, as the respective codes of regulations will be equivalent in the future, the existing differences between them are not an obstacle to the conclusion of a reciprocal agreement on this point.

As regards the hulls, the accessory parts of the hulls and engines, and the spare stores, the Belgian regulations, unlike those of the Netherlands, contain precise and detailed rules. As the Netherlands Delegation declares that the conditions imposed by the inspecting authorities provide, in effect, equivalent guarantees of safety, the Belgian Delegation considers that there is no reason, in these circumstances, why the two sets of regulations should not be considered as of equivalent value.

Load-line.

The Belgian Delegation explained that the Royal Government entrusts the recognised companies which are concerned with the classification of vessels with the task of calculating and

marking the load-lines, in conformity with the French and English regulations and tables, and in accordance with the rules and tables which are recognised as equivalent.

The Belgian Government merely satisfies itself that the load-lines are marked and that the vessels carry a load-line certificate, in proper form.

The Netherlands Delegation is prepared to recognise this procedure.

As the Belgian laws do not lay down any detailed rules for the loading of timber, the Belgian Delegation, though recognising the force of the arguments adduced in support of the Netherlands system, could not agree to equivalent treatment in regard to this question for Netherlands steamers loading in Belgian ports.

The Belgian Delegation added that, if a common code of regulations should be worked out by a general international conference it would recommend its Government to give this system all the support which it would appear to deserve.

Boilers.

At first sight, there would appear to be certain differences between the Belgian and Netherlands regulations regarding the tests and inspections to which boilers are subjected.

However, in practice, the results show that this difference is only apparent and that the systems may be considered as equivalent.

Stowing and loading of goods.

The two Delegations agree that the regulations regarding the stowing and loading of goods on merchant vessels are practically equivalent.

As regards the transport of explosives, the special legal provisions on this subject must be taken into account, particularly the Netherlands law of April 26, 1884, and the regulations connected therewith.

Wireless telegraphy.

The Belgian regulations contain provisions regarding wireless installations, whereas the Netherlands regulations are silent in regard to this matter.

The Netherlands Delegation states that vessels of upwards of 1,600 tons are, as a fact, equipped with the necessary installations.

Further, the application of the International Convention of London of January 20, 1914 — which it is moreover proposed to modify in regard to this point — will result in equivalence between the two codes of regulations.

Safety appliances.

As regards the rules relating to safety appliances, the Belgian regulations are based on the principles laid down by the International Convention of London, of January 20, 1914, whereas the Netherlands regulations, being of earlier date than the said Convention, differ from it in several not very essential points.

As the application of the said Convention will ensure equivalence in this respect in the future, the two Delegations agree that the differences at present existing are not an obstacle to the conclusion of the Agreement.

General provisions.

After reaching the above conclusions, the two Delegations exchanged the following observations regarding the consequences which, in their opinion, should result from the recognition of equivalence.

The vessels sailing under the flags of the two countries will enjoy the advantage of equivalence in the home or colonial waters and ports belonging to either of the two countries.

At the time of the inspections which are, or may be, required in the said ports, the inspecting authorities shall satisfy themselves that the vessels are actually provided with the licences which have been recognised as equivalent under the terms and conditions set forth above, and shall not inspect the hulls, boilers, engines and equipment which are covered by the licence. The said authorities shall, nevertheless, be entitled, in virtue of the right of inspection which they already possess, to declare that the vessel is, speaking generally, in a good and seaworthy condition and may put to sea without danger to its crew or passengers, but they shall not be entitled to exact conditions, in regard to the different points on which equivalence has been agreed to in the present instrument, other than those provided by the regulations of the country to which the vessel belongs.

If the crew of a Belgian vessel in a Netherlands port, or of a Netherlands vessel in a Belgian port, should address a complaint directly to the local maritime authority, the latter shall, without prejudice to its right of inspection under the conditions laid down elsewhere, refer the claimants to the consular authority of the nation to which the vessel belongs. The issue of navigation licences by an agent appointed or recognised by the Government and acting under its authority cannot render the said Government subject, on that account, to any pecuniary liability.

Conclusions.

As a result of the enquiry which has been carried out, as set forth above, the Delegates of the two Governments have agreed to declare, under the terms and subject to the reservations already stated, that equivalence exists between their respective national legislative codes and licences.

They therefore undertake to recommend their respective Governments to give official recognition to this equivalence and to issue the necessary instructions to their national authorities to apply it in their ports, it being understood that if either of the Governments should subsequently modify its laws or regulations regarding the safety of maritime navigation, it shall immediately communicate such modifications to the other Government.

Done in duplicate at The Hague, November 9, 1922.

For the Netherlands :

A. D. MULLER.

J. W. G. COOPS.

J. N. DE RONDE.

For Belgium :

P. MOULIN.

DE VOS.

NOTE RATIFYING THE PROTOCOL DATED NOVEMBER 9, 1922, DRAWN UP BETWEEN THE NETHERLANDS AND BELGIUM REGARDING THE RECIPROCAL APPLICATION OF THE LAWS AND REGULATIONS CONCERNING THE SAFETY OF MARITIME NAVIGATION.

The examination of the Netherlands and Belgian regulations regarding the safety of maritime navigation, which has been carried out by the Conference of Technical Delegates of the two countries held at The Hague from November 7 to 9, 1922, with a view to securing the reciprocal recognition of the provisions of the two above-mentioned codes of regulations, has enabled the Delegates of

the Royal Government of the Netherlands and of the Royal Government of Belgium to declare that equivalence exists between their respective national laws and navigation licences, under the terms and subject to the reservations which are set forth in a Protocol annexed hereto, dated November 9, 1922, and which shall form an integral part of the present Note.

In ratifying the conclusions adopted by this Conference, the Royal Netherlands Government and the Royal Belgian Government declare that they recognise the equivalence of the regulations of their two countries regarding the safety of maritime navigation, under the same terms, and subject to the same reservations as those by which equivalence is established in the above-mentioned Protocol.

This recognition of equivalence shall become effective as from a date one month after the date of the present Note, and instructions in this sense shall be addressed to the Maritime Authorities of the two countries by their respective Governments. If either the Netherlands Government or the Belgian Government should subsequently make any modifications in the existing regulations regarding the safety of maritime navigation, it shall immediately notify the Government of the other party.

Done at Brussels in duplicate, July 14, 1923.

W. HUYSSSEN VAN KATTENDIJKE.

HENRI JASPAR.