

N° 1868.

POLOGNE ET SUÈDE

Convention concernant la reconnaissance réciproque des certificats de jauge polonais et suédois, avec annexes A et B, et protocole final. Signés à Varsovie, le 22 mai 1928

POLAND AND SWEDEN

Convention regarding the mutual Recognition of Polish and Swedish Tonnage Measurement Certificates, with Annexes A and B and Final Protocol. Signed at Warsaw, May 22, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 1868. — CONVENTION BETWEEN POLAND AND SWEDEN REGARDING THE MUTUAL RECOGNITION OF POLISH AND SWEDISH TONNAGE MEASUREMENT CERTIFICATES. SIGNED AT WARSAW, MAY 22, 1928.

French official text communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Convention took place November 29, 1928.

THE PRESIDENT OF THE POLISH REPUBLIC and HIS MAJESTY THE KING OF SWEDEN, being desirous of promoting maritime traffic between Poland and Sweden, have agreed to conclude a Convention regarding the mutual recognition of national tonnage certificates, and have appointed as their Plenipotentiaries for this purpose :

HIS EXCELLENCY THE PRESIDENT OF THE POLISH REPUBLIC :

Dr. Tadeusz JACKOWSKI, Director of the Political and Economic Department at the Ministry of Foreign Affairs ;

M. Bogusław BAGNIEWSKI, Engineer, Counsellor at the Ministry of Commerce and Industry ;

HIS MAJESTY THE KING OF SWEDEN :

M. Cossva ANCKARSVÄRD, His Majesty's Envoy Extraordinary and Minister Plenipotentiary in Poland ;

Who, being duly authorised by their respective Governments, have agreed as follows :

Article I.

1. The national tonnage certificates of Swedish ships and the national tonnage certificates " with appendix " drawn up in accordance with the British system of ship measurement of such ships shall be recognised in Poland, and the national tonnage certificates of Polish ships and national tonnage certificates " with appendix " drawn up in accordance with the Swedish system of ship measurement of such ships shall be recognised in Sweden, subject to any exceptions arising out of the stipulations of the present Convention.

2. In the present Convention, the term " national certificate of measurement " shall be understood to mean documents recording ship measurements issued on the basis of measurements carried out according to the complete rule (called in Poland the " ordinary rule " and in Sweden " Rule I ") by the Polish or Swedish authorities and stating in particular the date of signature and the main capacity (of the space under the tonnage deck) in cubic metres or registered tons.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

Article II.

1. Swedish ships propelled by engine power and furnished only with a national tonnage certificate, not accompanied by national tonnage certificates "with appendix" shall only be subject in Poland to partial measurement, as provided for in Article III, in regard to the assessment of net tonnage. The tonnage dues payable in Poland shall be computed and levied on the basis of the net tonnage thus determined. Nevertheless, if the owner or master of the vessel so requests, the tonnage dues payable in Poland shall be computed and levied on the basis of the net tonnage entered in the national tonnage certificate.

2. If a Swedish ship propelled by engine power is provided with a national tonnage certificate "with appendix", issued in accordance with the British system of ship measurement, the tonnage dues payable in Poland shall be computed and levied on the basis of the net tonnage entered in the said certificate.

3. Polish ships propelled by engine power and provided only with a national tonnage certificate not accompanied by a national tonnage certificate "with appendix" shall only be subject in Sweden to partial measurement as provided for in Article III, in regard to the assessment of net tonnage. The tonnage dues payable in Sweden shall be computed and levied on the basis of the net tonnage thus determined.

4. If a Polish ship propelled by engine power is provided with a national tonnage certificate "with appendix" issued in accordance with the Swedish system of ship measurement, the tonnage dues payable in Sweden shall be computed and levied on the basis of the net tonnage entered in the said certificate.

5. If a Swedish ship not propelled by engine power is provided with a national tonnage certificate, the tonnage dues payable in Poland shall be computed and levied on the basis of the net tonnage entered in the said certificate.

6. If a Polish ship not propelled by engine power is provided with a national tonnage certificate, the tonnage dues payable in Sweden shall be computed and levied on the basis of the net tonnage entered in the said certificate.

Article III.

1. The partial measurement under Article II, paragraphs 1 and 3, of Swedish and Polish ships propelled by engine power shall include an assessment in accordance with the respective Polish and Swedish regulations of the gross tonnage of the space over the tonnage deck and of the deduction to be allowed for the engine-room and also for any other space, whether above or below the tonnage deck, in respect of which no tonnage dues are payable in Poland or Sweden as the case may be.

2. These partial measurements shall be recorded in a special tonnage document which shall be valid for the same period as the national certificate of measurement to which it is annexed. In order to be taken into consideration this special document must be presented conjointly with the national tonnage certificate whenever the competent authorities so request.

Article IV.

1. The Polish tonnage certificates "with appendix" (see Article II, paragraph 4) shall be drawn up in accordance with the Swedish system of ship measurements. The principles of this system are set forth in the annexed Agreement (Annex A).

2. The Swedish tonnage certificates "with appendix" (see Article II, paragraph 2) shall be drawn up in accordance with the British system of ship measurement. The principles of this system are set forth in the annexed Agreement (Annex B).

Article V.

1. The measurement of Polish ships carried out in Sweden by Swedish authorities and the measurement of Swedish ships carried out in Poland by Polish authorities shall be subject to the verification survey, and, if necessary, to the re-measurement laid down in Sweden and Poland, respectively, in accordance with the provisions in force in Sweden, for Polish ships in Sweden and in accordance with the provisions in force in Poland for Swedish ships in Poland.

2. If there are good grounds for supposing that the particulars contained in a national tonnage certificate or a national tonnage certificate "with appendix" are incorrect, the supreme competent authorities in Poland and Sweden respectively shall be entitled to proceed, to the extent required, to a verification survey, or, if necessary, to re-measurement, and to issue a supplementary tonnage document showing the results of such re-measurement.

Article VI.

1. The costs of partial measurement (Article III) and of the verification surveys and re-measurements provided for in Article V, paragraph 1, shall be calculated and paid for in accordance with the regulations and rates in force for similar operations in the country in which the measurement is carried out.

2. The costs of partial measurement shall be borne by the ship in question.

3. The costs of the verification survey or re-measurement provided for in Article V, paragraph 2, shall be borne by the country in which these measurements are carried out, provided however that if a new tonnage document has to be issued as a result of the re-measurement, the cost shall be borne by the owner or master of the ship on the scale laid down by the regulations of the country in question.

Article VII.

The Polish Government, which is responsible for undertaking the conduct of the foreign relations of the Free City of Danzig in virtue of Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Convention¹ between Poland and the Free City of Danzig signed at Paris on November 9, 1920, reserves the right to declare that the Free City is a Contracting Party to the present Convention and that the Free City accepts the obligations and acquires the rights resulting therefrom.

Article VIII.

The present Convention shall come into force five months after the date of its signature, and shall remain in force for a period of three months after its denunciation by either Party.

In faith whereof the Plenipotentiaries have signed the present Convention and have affixed their seals thereto.

Done in duplicate, at Warsaw, May 22, 1928.

(L. S.) (Signed) JACKOWSKI. (L. S.) (Signed) C. ANCKARSVÄRD.
(L. S.) (Signed) B. BAGNIEWSKI.

¹ Vol. VI, page 189, of this Series.

ANNEX A.

AGREEMENT

IN REGARD TO THE ISSUE OF POLISH TONNAGE CERTIFICATES " WITH APPENDIX " IN ACCORDANCE WITH THE SWEDISH RULES FOR SHIP MEASUREMENT.

The undersigned Plenipotentiaries, in view of Article IV of the Convention signed this day between Poland and Sweden concerning the mutual recognition of Polish and Swedish tonnage certificates, have agreed that Polish certificates " with appendix " issued in conformity with the Swedish system of ship measurement must, in order to be recognised in Sweden, satisfy the following conditions :

Article 1.

The tonnage measurement system employed in Sweden shall be governed by the Royal Ordinances of November 12th, 1880, and May 18th, 1894, and by the supplementary rescripts and circulars.

Article 2.

1. The tonnage certificate " with appendix " shall be drawn up in accordance with Rule I. It shall be valid for the same period as the national tonnage certificate to which it relates, and will not be taken into consideration unless presented conjointly with the latter certificate whenever the competent authorities so request. It must reproduce the particulars given in the national certificate in regard to gross and net tonnage, main cubic capacity and its date of issue.

2. The tonnage certificate " with appendix " shall be issued by the competent authorities in Poland in accordance with a form to be decided upon directly by the competent authorities of the two Parties.

Article 3.

The main cubic capacity entered in the tonnage certificate " with appendix " may be the tonnage shown on the national tonnage certificate or may be measured and calculated in accordance with the Swedish system of ship measurement. In the latter case, the tonnage certificate " with appendix " shall also indicate the method of calculating the said capacity.

Article 4.

1. The space above the tonnage deck shall be measured and calculated in accordance with the Swedish rules for ship measurement and the cubic capacity shall be stated in the tonnage certificate " with appendix ".

2. Nevertheless, the following spaces not included in the gross tonnage according to the Polish rules for ship measurement shall likewise be excluded when calculating the gross tonnage to be entered in the tonnage certificate " with appendix " : spaces used exclusively for auxiliary engines or boilers ; the space used for the steering apparatus, the wheelhouse, the galleys and bakehouse, the condenser rooms and latrines.

Article 5.

1. The number of tons indicated in the national tonnage certificate shall be taken as the total tonnage to be deducted in respect of the following space : quarters intended exclusively for the use of the master, officers and crew, the chart, signal and navigating room, boatswain's store, and any water ballast tanks not situated in the double bottom.

2. A deduction may also be made in respect of the actual cubic capacity of the boatswain's store in excess of the capacity shown in the national tonnage certificate.

Article 6.

1. The deduction allowable in respect of engine-room space shall be measured and calculated according to the Swedish rules for ship measurement.

2. The only space which may be regarded as constituting permanent fuel bunkers is that assigned and used solely for the stowage of fuel required for the ship's engines, provided that it is either directly connected with the spaces occupied by the engines by means of sliding doors or other openings, or by means of pipes, or is situated immediately above these spaces or the fuel bunkers directly connected therewith.

3. Fuel bunkers separated from the hold by movable bulkheads only, or having bulkheads with one or more openings, or one or more deck hatches which cannot be regarded as intended exclusively for coaling, shall not be included in the space deducted in respect of the engine-room.

4. The surveyor shall require the owner or the master of the ship to sign a statement, which shall be attached to the tonnage certificate "with appendix", certifying that the space for fuel bunkers for which a deduction may be made will be exclusively used during voyages to or from Sweden for the stowage of fuel intended for the ship's engines. If the owner or master fails to sign this statement, the space in question shall not be deducted as engine-room space.

5. The tonnage certificate "with appendix" shall indicate the position, length and cubic capacity of each of the fuel bunkers which are not included in the engine-room, but which are included in the space deducted in respect of the engine-room.

In faith whereof the undersigned have signed the present Agreement and have affixed their seals thereto.

Done in duplicate at Warsaw, May 22, 1928.

(L. S.) (Signed) T. JACKOWSKI.
(L. S.) (Signed) B. BAGNIEWSKI.

(L. S.) (Signed) C. ANCKARSVÄRD.

ANNEX B.

AGREEMENT

IN REGARD TO THE ISSUE OF SWEDISH TONNAGE CERTIFICATES "WITH APPENDIX"
IN ACCORDANCE WITH THE RULES OF THE BRITISH SYSTEM OF SHIP MEASUREMENT.

The undersigned Plenipotentiaries, in view of Article IV of the Convention signed this day between Poland and Sweden concerning the mutual recognition of Polish and Swedish tonnage certificates, have agreed that Swedish tonnage certificates "with appendix" issued in conformity with the British system of ship measurement must, in order to be recognised in Poland, satisfy the following conditions :

Article 1.

The British system of ship measurement shall be applied in Poland in accordance with the provisions of the decree of the President of the Polish Republic dated May 17, 1927, (*Polish Legal Gazette*, No. 47, item 422 ex 1927) and the decree of the Minister of Industry and Commerce dated November 24, 1927, (*Polish Legal Gazette*, No. 105, item 906 ex 1927), and the supplementary decrees and circulars.

Article 2.

1. The tonnage certificate " with appendix " shall be drawn up in accordance with the complete rule (known as the ordinary rule). It shall be valid for the same period as the national tonnage certificate to which it relates and will not be taken into consideration unless presented conjointly with the latter certificate whenever the competent authorities so request. It must reproduce the particulars given in the national certificate in regard to principal dimensions, main cubic capacity and its date of issue.

2. The tonnage certificate " with appendix " shall be issued by the competent authorities in Sweden in accordance with a form to be decided directly by the competent authorities of the two Parties.

Article 3.

The tonnage shown on the national tonnage certificate shall be entered in the tonnage certificate " with appendix " as the main cubic capacity.

In faith whereof the undersigned have signed the present Agreement and have affixed their seals thereto.

Done in duplicate at Warsaw, May 22, 1928.

(L. S.) (Signed) JACKOWSKI.

(Signed) (L. S.) ANCKARSVÄRD.

(L. S.) (Signed) B. BAGNIEWSKI.

FINAL PROTOCOL.

On proceeding to sign the Convention of to-day's date regarding the mutual recognition of Polish and Swedish tonnage measurement certificates, the Government of the Polish Republic and the Government of His Majesty the King of Sweden have deemed it expedient to define more exactly the following points :

(1) The provisions of Article II, paragraph 2 of the Convention shall also be applicable to national certificates " with appendix " issued in Sweden in conformity with the British system of ship measurement prior to the entry into force of the Convention.

(2) The provisions of Article II, paragraph 4 of the Convention shall also be applicable to national certificates " with appendix " issued in Poland in conformity with the Swedish system of ship measurement prior to the entry into force of the Convention.

(3) If a Swedish ship arrives in a Polish port bearing only a provisional certificate (*Interimsnationalitets och registreringscertifikat* or *Interims nationalitets certifikat*) certifying the tonnage on which the ship is taxable according to the Swedish or foreign (British) system of ship measurement, this information in the provisional certificate will be accepted in Poland until the validity of the certificate expires, notwithstanding the fact that the ship has not been measured by a competent Swedish authority.

(4) If a Polish ship arrives in a Swedish port bearing only a provisional certificate (*tymczasowe swiadectwo pomiarowe*), the information given in the said certificate regarding the main cubic capacity (of the space below the tonnage deck) in the case of vessels propelled by engine power, and also the net tonnage in the case of vessels not propelled by engine power, shall be accepted in Sweden until the validity of the provisional certificate expires, notwithstanding the fact that the ship has not been measured by a competent Polish authority.

(5) The term "supreme competent authorities" employed in Article V, paragraph 2, of the Convention shall be understood to mean, in Sweden, the *Kungl. Kommerskollegium* and, in Poland, the Ministry of Industry and Commerce. Any alteration which may be made in this respect in either country shall be immediately brought to the notice of the Government of the other country through the diplomatic channel.

(6) The competent authorities in Poland referred to in Article 2, paragraph 2, of the Agreement in regard to the issue of Polish tonnage certificates "with appendix" (Annex A) shall be understood to mean the Merchant Marine Office. The certificates shall be signed by the Head of that Office and his technical adviser.

(7) The competent authorities in Sweden referred to in Article 2, paragraph 2 of the Agreement in regard to the issue of Swedish tonnage certificates "with appendix" (Annex B) shall be understood to mean the Customs Chambers. The certificates shall be signed by the competent Administrator of Customs.

(8) It shall be understood that the foregoing Protocol, and likewise the Agreement in regard to the issue of Polish tonnage certificates "with appendix" (Annex A) and the Agreement in regard to the issue of Swedish tonnage certificates "with appendix" (Annex B), signed on the same day as the Convention, form an integral part of that Convention.

In faith whereof the respective Plenipotentiaries have signed the present Protocol and have affixed their seals thereto.

Done in duplicate, at Warsaw, May 22, 1928.

(Signed) (L. S.) T. JACKOWSKI.

(Signed) (L. S.) C. ANCKARSVÄRD.

(Signed) (L. S.) B. BAGNIEWSKI.