

Memorandum to Cabinet by the Minister of Commonwealth
and Foreign Affairs and the Minister of Finance,
Customs and Port

Agreement concerning equality of treatment in respect
of port dues and charges between the Government of
Malta and the Government of the U.S.S.R.

The proposal to conclude an agreement with the U.S.S.R. relating to equality of treatment in respect of port dues and charges arose out of an incident involving the Maltese-owned tanker "Doris".

2. On 2nd November, 1965 the m.v. "Doris" arrived in Odessa to discharge a full cargo of grain from the Argentine. The Russian Port Authorities charged higher fees than the general tonnage dues, alleging that the Government of Malta had no reciprocal agreement with the Soviet Union in the matter of the levying of tonnage dues. The Convention and Statute on the International Regime of Maritime Ports (Geneva, 1923) which Britain had signed and which was extended to Malta in 1925 could not be invoked as the U.S.S.R. had neither signed nor acceded to the Convention.

3. It was therefore decided that a formal approach should be made to the Soviet authorities to normalise the situation in order to avoid similar incidents in the future.

4. In February 1966 the U.S.S.R. were informed through diplomatic channels that Malta was desirous of reaching an understanding with the Government of the Soviet Union for reciprocity of treatment of vessels in maritime ports of the respective countries.

5. In reply the U.S.S.R. stated, that "the Soviet side shares the opinion of the Government of Malta concerning the reciprocal application of the most favoured nation treatment of Maltese ships in Soviet Maritime Ports and of Soviet Ships in the Ports of Malta."

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6. It is to be noted that on more than one occasion high-ranking Russian officials expressed the hope that such an agreement would be concluded without delay.

7. A draft agreement has been prepared by the M.F.C.P. and submitted to the M.T.I.A. for vetting. A copy of the proposed draft agreement, as revised by the Crown Advocate General, is attached herewith.

8. Honourable Ministers are requested to give their consent for negotiations to be concluded for an Agreement between Malta and the U.S.S.R. on the lines of the enclosed draft.

14th October, 1968.

Agreement between the Government of Malta
and the Government of the Union of Soviet Socialist
Republics for equality of treatment in respect of dues
and charges payable by vessels of the two countries
in their maritime ports.

The Government of Malta and the Government
of the Union of Soviet Socialist Republics:

Desiring to enter into agreement to accord
equality of treatment in respect of dues and charges
payable by vessels of the two countries in their
maritime ports:

have agreed as follows:

Article 1

This agreement applies to all vessels
engaged in trade and to pleasure boats and yachts
whether publicly owned or controlled.

Article 2

This agreement does not in any way apply -

- (a) to vessels engaged in the maritime
coasting trade;
- (b) to fishing vessels or to their catches;
- (c) to warships or vessels performing police
or administrative functions, or, in
general, exercising any kind of public
authority, or any other vessels which for
the time being are exclusively or
partially employed for the purposes of
the naval, military or air forces of
either of the two contracting states or
vessels auxiliary thereto.

Article 3

All ports which are normally frequented by sea-going vessels and used for foreign trade shall be deemed to be maritime ports within the meaning of the present agreement.

Article 4

Subject to the provisions of the preceding articles, the Government of Malta undertakes to accord to vessels of the Union of Soviet Socialist Republics furnished with certificates of registry issued by the competent authorities of that State, equality of treatment with its own vessels in the maritime ports situated under its sovereignty, in respect of dues and charges levied in the name or for the account of the Government, public authorities, concessionaires or undertakings^{whatsoever} for all kinds of shipping and navigation services related to such ports or the use of facilities of all kinds provided in such ports.

Article 5

Similarly, the Government of the Union of Soviet Socialist Republics undertakes to accord to vessels of Malta furnished with certificates of registry issued by the competent authorities of Malta, equality of treatment with its own vessels in the maritime ports situated under its sovereignty as stipulated in the preceding article.

Article 6

The provisions of the present Agreement in no way restrict either Government from increasing or otherwise altering its tariff of port dues and charges provided that such measures apply equally and without distinction to its own vessels.

Article 7

Each contracting Government shall publish all dues and charges levied in its maritime ports, and any alterations thereto, shall be duly published before coming into force. Each contracting Government undertakes to keep open for inspection at the offices of its port authorities the table of port dues and charges in force in its maritime ports.

Article 8

Each contracting Government reserves the right to organise and administer pilotage services as it thinks fit. Where pilotage is compulsory, pilotage fees and dues shall be levied in accordance with the provisions of Articles 4 and 5, but each contracting Government may exempt from the obligation of compulsory pilotage such of its nationals as possess the necessary technical qualifications.

Article 9

Where either of the contracting Governments has, in virtue of a treaty or an agreement granted special rights or concessions to another State in any of its maritime ports, the other contracting Government may not invoke the stipulations of this agreement to claim similar rights.

Article 10

Each contracting Government reserves the right, after giving notice through diplomatic channels, to suspend the benefit of equality of treatment from vessels of the other contracting Government which fails to apply effectively in ports situated under its sovereignty the provisions of this agreement.

Article 11

The present agreement may be terminated by either Government by giving a notification in writing to the other. Such a notification shall become effective twelve months after the date of its receipt

Article 12

The present agreement shall enter into force one month after the date of signature by the two contracting Governments.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Agreement.

DONE at in duplicate, this

For the Government of Malta.

For the Government
of the Union of Soviet
Socialist Republics.

L-ARKIVI NAZZJONALI TA' MALTA

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