

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1995 Nr. 245

A. TITEL

*Verdrag inzake een gedragscode voor lijnvaartconferenties, met
bijlage;
Genève, 6 april 1974*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1979, 177. Zie ook *Trb.* 1980, 165 en *Trb.* 1987, 130.

C. VERTALING

Zie *Trb.* 1980, 165.

D. PARLEMENT

Zie *Trb.* 1983, 100 en *Trb.* 1987, 130.

E. BEKRACHTIGING

Zie *Trb.* 1979, 177, *Trb.* 1980, 165, *Trb.* 1983, 100 en *Trb.* 1987, 130.
Behalve de aldaar genoemde Staten heeft nog de volgende Staat in
overeenstemming met artikel 48, derde lid, van het Verdrag een akte van
bekrachtiging, aanvaarding of goedkeuring bij de Secretaris-Generaal
van de Verenigde Naties nedergelegd:

België¹⁾ 30 september 1987

¹⁾ Onder de volgende voorbehouden en de volgende verklaringen:

Voorbehouden

«1. Pour l'application du code de conduite, la notion de «compagnie maritime nationale», dans le cas d'un État membre de la Communauté économique européenne peut comprendre toute compagnie maritime exploitant de navires établie sur le territoire de cet État membre conformément au traité instituant la Communauté économique européenne.

2. a) Sans préjudice du texte sous b) de la présente réserve, l'article 2 du code

de conduite n'est pas appliqué dans les trafics de conférence entre les États membres de la Communauté et, sur une base de réciprocité, entre ces États et les autres pays de l'OCDE qui sont parties au Code;

b) Le texte sous a) n'affecte pas les possibilités de participation en tant que compagnies maritimes d'un pays tiers à ces trafics, conformément aux principes posés à l'article 2 du Code, des compagnies maritimes d'un pays en développement qui sont reconnues comme compagnies maritimes nationales aux termes du Code et qui sont:

- i) déjà membres d'une conférence assurant ces trafics
- ou
- ii) admises à une telle conférence au titre de l'article 1^{er}, paragraphe 3 du Code.

3. L'article 3 et l'article 14 du paragraphe 9 du Code de conduite ne sont pas appliqués dans les trafics de Conférence entre les États membres de la Communauté et, sur une base de réciprocité, entre ces États et les autres pays de l'OCDE qui sont parties au Code.

4. Dans les trafics où l'article 3 du Code de conduite s'applique, la dernière phrase de cet article est interprétée en ce sens que:

a) Les deux groupes de compagnies maritimes nationales coordonneront leurs positions avant de voter sur les questions concernant le trafic entre leurs deux pays;

b) Cette phrase s'applique uniquement aux questions que l'Accord de Conférence désigne comme demandant l'assentiment des deux groupes de compagnies maritimes nationales concernés et non pas à toutes les questions réglées dans l'accord de Conférence.»

Verklaringen

«1. Conformément à la résolution sur les compagnies hors conférences adoptée par la Conférence de plénipotentiaires, comme reprises à l'Annexe II-2, de la présente Convention, le Gouvernement du Royaume de Belgique n'empêchera pas les compagnies maritimes hors conférence de fonctionner pour autant qu'elles sont en concurrence avec les conférences sur une base commerciale tout en respectant le principe de la concurrence loyale. Il confirme son intention d'agir conformément à ladite résolution.

2. Le Gouvernement du Royaume de Belgique déclare qu'il mettra en oeuvre ladite Convention et ses annexes, conformément aux principes fondamentaux et aux considérations qui y sont énoncés et que, ce faisant, celle-ci ne l'empêche pas de prendre les mesures appropriées dans le cas où une autre partie contractante adopterait des mesures ou des pratiques faisant obstacle à l'exercice d'une concurrence loyale sur une base commerciale, sur ses trafics de ligne.»

F. TOETREDING

Zie *Trb.* 1979, 177, *Trb.* 1980, 165, *Trb.* 1983, 100 en *Trb.* 1987, 130.

Behalve de aldaar genoemde hebben nog de volgende Staten in overeenstemming met artikel 48, derde lid, van het Verdrag een akte van toetreding bij de Secretaris-Generaal van de Verenigde Naties nedergelegd:

Mauritanië	21 maart 1988
Zambia	8 april 1988
Burkina Faso	30 maart 1989
Italië ¹⁾	30 mei 1989
Portugal ²⁾	13 juni 1990

Mozambique.	21 september 1990
Spanje ³⁾	3 februari 1994
Qatar.	31 oktober 1994

Verklaring van voortgezette gebondenheid

De volgende Staten hebben de Secretaris-Generaal van de Verenigde Naties medegedeeld zich gebonden te achten aan het Verdrag:

Slowakije ⁴⁾	28 mei 1993
de Tsjechische Republiek ⁴⁾	2 juni 1993

¹⁾ Onder de volgende voorbehouden en de volgende verklaring:

Voorbehouden

“1. In application of the Code of Conduct, the concept of a ‘national shipping line’ may, in the case of a member State of the European Community, include all shipping companies established on the territory of that member State in accordance with the treaty setting up the European Economic Community.

2. a) Without prejudice to the text of paragraph (b) of this reservation, article 2 of the Code of Conduct shall not be applied in trade carried by a conference between the member States of the Community and, on a reciprocal basis, between those States and the other OECD countries parties to the Code,

b) The text of paragraph a) shall not affect the opportunities for shipping lines of developing countries, as third-country shipping lines, to take part in such trade in accordance with the principles set out in article 2 of the Code, provided they have been recognized as national shipping lines under the terms of the Code and:

(i) are already member of a conference carrying such trade, or

(ii) have been accepted for membership of such a conference under the provisions of article 1 (3) of the Code.

3. Article 3 and article 14 (9) of the Code of Conduct shall not be applied in trade carried out by a conference between the member States of the Community and, on a reciprocal basis, between those countries and the other OECD countries parties to the Code.

4. In any trade to which article 3 of the Code of Conduct applies, the last sentence of the article is taken to mean that:

a) The two groups of national shipping lines shall co-ordinate their positions before voting on matters relating to trade between their two countries;

b) The sentence shall be applied solely to matters defined in a conference agreement as requiring the consent of the two groups of national shipping lines concerned and not to all matters covered by the conference agreement.”

Verklaring

“The Government of the Republic of Italy

– will not prevent non-conference lines from operating as long as they compete with conferences on a commercial basis while adhering to the principle of fair competition, in accordance with the Resolution on non-conference lines adopted by the Conference of Plenipotentiaries;

– confirms its intention of acting in accordance with the said Resolution.”

²⁾ Onder de volgende voorbehouden en de volgende verklaringen:

Voorbehouden

“1. In application of the Code of Conduct, the term ‘national shipping line’ may, in the case of a Member State of the European Community, include any

vessel-operating shipping line established on the territory of such Member State in accordance with the EEC Treaty.

2. a) Without prejudice to paragraph b) of this reservation, Article 2 of the Code of Conduct shall not be applied in conference trades between the Member States of the Community and, on a reciprocal basis, between such States and the other OECD countries which are parties to the Code.

b) The text of paragraph a) shall not affect the opportunities for participation as third country shipping lines in such trades, in accordance with the principles reflected in Article 2 of the Code, of the shipping lines of developing country which are recognized as national shipping lines under the Code and which are:

- (i) already member of a conference serving these trades; or
- (ii) admitted to such a conference under Article 1 (3) of the Code.

3. Articles 3 and 14 (9) of the Code of Conduct shall not be applied in conference trades between the Member States of the Community and, on a reciprocal basis, between such States and the other OECD countries which are parties to the Code.

4. In trades to which article 3 of the Code of Conduct applies, the last sentence of that Article is interpreted as meaning that:

a) the two groups of national shipping lines will co-ordinate their positions before voting on matters concerning the trade between their two countries;

b) this sentence applies solely to matters which the conference agreement identifies as requiring the assent of both groups of national shipping lines concerned and not to all matters covered by the conference agreement.” (*vertaling*)

Verklaringen

“1. The Government of Portugal considers that the United Nations Convention on a Code of Conduct for Liner Conferences affords the shipping lines of developing countries extended opportunities to participate in the conference system and is drafted so as to regulate conferences and their activities in open trades. The Government also considers that it is essential for the functioning of the Code and conferences subject thereto that opportunities for fair competition on a commercial basis by non-conference shipping lines continue to exist and that shippers are not denied an option in the choice between conference shipping lines and non-conference shipping lines, subject to loyalty arrangements where they exist. These basic concepts are reflected in a number of provisions of the Code itself, including its objectives and principles, and they are expressly set out in Resolution No. 2 on non-conference shipping lines adopted by the United Nations Conference of Plenipotentiaries.

2. The Government considers furthermore that any regulations or other measures adopted by a Contracting Party to the Convention with the aim or effect of eliminating such opportunities for competition by non-conference shipping lines would be inconsistent with the above-mentioned basic concepts and would bring about a radical change in the circumstances in which conferences subject to the Code are envisaged as operating. Nothing in the Convention obliges other Contracting Parties to accept either the validity of such regulations or measures or situations where conferences, by virtue of such regulations or measures, acquire effective monopoly in trades subject to the Code.

3. The Government of Portugal declares that it will implement the Convention in accordance with the basic concepts and considerations herein stated and, in so doing, is not precluded by the Convention from taking appropriate steps in the event that another Contracting Party adopts measures or practices that prevent fair competition on a commercial basis in its liner trades.” (*vertaling*)

- 3) Onder de volgende voorbehouden en de volgende verklaring:

Voorbehouden

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Reservation 1

For the purpose of implementing the Code of Conduct, the concept of a 'national shipping line' may, in the case of a State member of the European Economic Community, include any vessel-operating shipping line established in the territory of that State, in accordance with the Treaty establishing the European Economic Community.

Reservation 2

a) Without prejudice to the text of (b) below, article 2 of the Code of Conduct shall not apply in conference trades between States members of the Community and, on the basis of reciprocity, between these States and other Organization for Economic Cooperation and Development (OECD) countries which are parties to the Code.

b) The text of a) above shall not affect the opportunities for participation in such trades, as third-country shipping lines, in accordance with the principles set out in article 2 of the Code, by the shipping lines of a developing country which are recognized as national shipping lines under the Code and which are:

(I) Members of a conference which ensures such trades, or

(II) Admitted to membership of that conference under article 1, paragraph 3, of the Code.

Reservation 3

Article 3 and article 14, paragraph 9, of the Code shall not apply in conference trades between States members of the Community and, on the basis of reciprocity, between these States and other OECD countries which are parties to the Code.

Reservation 4

In trades to which article 3 of the Code applies, the final sentence of that article shall be interpreted as follows:

a) The two groups of national shipping lines shall coordinate their positions prior to voting on issues relating to trade between their two countries.

b) This sentence shall apply solely to issues which, under the conference agreement, require the consent of the two groups of national shipping lines concerned, and not to all issues dealt with in the conference agreement.” (*vertaling*)

Verklaring

“A. The Government of Spain considers that the United Nations Convention on a Code of Conduct for Liner Conferences provides the shipping lines of developing countries with ample opportunities to participate in the liner conference system, and that it has been drafted in such a manner as to regulate conferences and their activities within a system of free trade (where there are opportunities for non-conference shipping lines).

This Government also deems it essential to the functioning of the Code and of the conferences whose regulation is referred to that there should continue to be opportunities for fair competition on a commercial basis for non-conference shipping lines, and that shippers should not be denied an option in the choice between conference shipping lines and non-conference shipping lines, subject to any loyalty arrangements where they exist. These basic concepts are reflected in several provisions of the Code itself, including its objectives and principles, and are expressly set out in resolution No. 2, concerning non-conference shipping lines, adopted by the United Nations Conference of Plenipotentiaries.

B. This Government further believes that any regulation or other measures adopted by a Contracting Party to the United Nations Convention and having the purpose or effect of eliminating such opportunities for competition for non-conference shipping lines would be incompatible with the basic concepts mentioned above, and would effect a radical change in the circumstances under which

conferences subject to the Code are envisaged as operative. Nothing in the Convention requires other Contracting Parties to accept either the validity of such regulations, or measures or situations whereby conferences, through such regulations or measures, would, in practice, acquire a monopoly on trades subject to the Code.

C. The Government of Spain declares that it will implement the Convention in accordance with the basic concepts and conclusions stipulated herein and that, accordingly, the Convention shall not prevent it from taking appropriate steps in the event that another Contracting Party adopts measures or practices which impede fair competition on a commercial basis in liner shipping service.” (*ver-taling*)

⁴⁾ Onder handhaving van het door Tsjechoslowakije bij de ondertekening gemaakte voorbehoud (zie *Trb.* 1979, 177, blz. 71).

G. INWERKINGTREDING

Zie *Trb.* 1983, 100 en *Trb.* 1987, 130.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1987, 130.

J. GEGEVENS

Voor het op 26 juni 1945 te San Francisco tot stand gekomen Hand-vest der Verenigde Naties zie ook, laatstelijk, *Trb.* 1994, 277.

Uitgegeven de zeventiende oktober 1995.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO