

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 1987 Nr. 130

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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. In artikel 7, vierde lid, eerste zin, van de Engelse tekst van het Verdrag dient een komma “,” geplaatst te worden na de woorden “a shippers’ organization”.

C. VERTALING

Zie *Trb.* 1980, 165.

D. PARLEMENT

Zie *Trb.* 1983, 100.

Artikel 1 van de rijkswet van 12 december 1985 (*Stb.* 668), houdende goedkeuring van verdragen in verband met het verkrijgen van de hoedanigheid van land in het Koninkrijk door Aruba luidt als volgt:

„De volgende verdragen worden goedgekeurd voor Aruba met het oog op de totstandbrenging van medegelding van deze verdragen voor Aruba wanneer Aruba de hoedanigheid van land in het Koninkrijk zal hebben verkregen:...

25. Verdrag inzake een gedragscode voor lijnvaartconferenties, met bijlage; Genève, 6 april 1974 (*Trb.* 1979, 177);...”.

De Rijkswet is gecontrasigneerd door de Minister van Buitenlandse Zaken H. VAN DEN BROEK en de Minister voor Nederlands-Antilliaanse Zaken J. DE KONING.

Voor de behandeling in de Staten-Generaal zie: Kamerstukken II

1984/85; 1985/86, 19135 (R1296); Hand. II 1985/86, blz. 1548-1574, 1696-1697; Kamerstukken I 1985/86, nr. (65); Hand. I 1985/86 zie vergadering van 10 december 1985.

#### E. BEKRACHTIGING

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

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

Frankrijk <sup>1)</sup> . . . . .	4 oktober 1985
Algerije . . . . .	12 december 1986

<sup>1)</sup> Onder de volgende 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 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 members 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.  
(VN-vertaling)

#### F. TOETREDING

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

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 der Verenigde Naties nedergelegd:

Trinidad en Tobago . . . . .	3 augustus 1983
Saoedi-Arabië . . . . .	24 mei 1985
Denemarken <sup>1)</sup> . . . . .	28 juni 1985
Noordwegen <sup>2)</sup> . . . . .	28 juni 1985
het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland <sup>3)</sup> . . .	28 juni 1985
Zweden <sup>4)</sup> . . . . .	28 juni 1985
Finland <sup>5)</sup> . . . . .	31 december 1985
Koeweit <sup>6)</sup> . . . . .	31 maart 1986

<sup>1)</sup> Geldt niet voor Groenland en Faeroër-eilanden.

Onder het afleggen van de volgende voorbehouden:

1. For the purposes of the Code of Conduct, the term "national shipping line" may, in the case of a State member of the European Economic Community, include any vessel-operating shipping line established on the territory of that member State, in accordance with the Treaty establishing the European Economic Community.

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 States members of the Community and, on a reciprocal basis, between these States and other OECD countries which are parties to the Code:

(b) Point (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 a developing country which are recognized as national shipping lines under the Code and which are:

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

3. Article 3 and 14 (9) of the Code of Conduct shall not be applied in conference trades between the States members of the Community and, on a reciprocal basis, between these States and 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.";

en de volgende verklaringen:

"The Government of Denmark 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 (*i.e.*, when opportunities to compete exist). This 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.

This Government considers furthermore that any regulations or other measures adopted by a contracting party to the United Nations 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.

The Government of Denmark 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.

*(VN-vertaling)*

<sup>2)</sup> Onder de volgende voorbehouden:

"1. For the purpose of the Code of Conduct, the term national shipping line may, in the case of Norway or a Member State of the European Economic Community or of the Organization for Economic Cooperation and Development, include any vessel-operating shipping line established on the territory of such State in accordance with the law applicable in that State.

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

(b) Paragraph (a) shall not affect the opportunities of any shipping lines for participation as third country shipping lines in such trades and for acquiring a significant part of the traffic of such trades.

3. Articles 3 and 14 (9) of the Code of Conduct shall, on a reciprocal basis, not be applied in trades between 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 coordinate 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."

en onder de volgende verklaringen:

"The Government of Norway furthermore 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 (*i.e.* where opportunities to compete exist). This 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.

The Government of Norway considers furthermore that any regulations or other measures adopted by a contracting party to the UN 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.

The Government of Norway declares that it will implement the Convention in accordance with the basic concepts and considerations herein stated and, in doing so, 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.”.

3) Voor het Verenigd Koninkrijk, Gibraltar en Hong Kong.

Onder de volgende voorbehouden.

“I. In relation to the United Kingdom of Great Britain and Northern Ireland and to Gibraltar:

1. For the purposes of the Code of Conduct, the term “national shipping line” may, in the case of a Member State of the 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 or, on a reciprocal basis between such States and the other OECD countries which are parties to the Code.

(b) Point (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 a developing country which are recognized as national shipping lines under the Code and which are:

- (i) already members 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 or, 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.

II. In relation to Hong Kong:

1.(a) Without prejudice to paragraph (b) of this reservation, Article 2 of the Code of Conduct shall not be applied in conference trades, on a reciprocal basis, between Hong Kong and any State which has made a reservation disapplying Article 2 in respect of its trades with the United Kingdom.

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

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

2. In trades where Article 2 of the Code applies, Hong Kong shipping lines will, subject to reciprocity, allow participation in redistribution by lines from any country which has agreed to allow participation by United Kingdom lines in redistribution in respect of any of its trades.

3. Article 3 and Article 14 (9) of the Code shall not be applied in conference trades, on a reciprocal basis, between Hong Kong and any State which has made a reservation disapplying Article 3 and Article 14 (9) in respect of its trades with the United Kingdom.

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

- (i) the two groups of national shipping lines will co-ordinate their position before voting on matters concerning the trade between their two countries; and
- (ii) 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.”;

en de volgende verklaringen:

“1. The Government of the United Kingdom 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 (*i.e.* where opportunities to compete exist.) 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 and 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 the United Kingdom 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.”.

4) Onder de volgende voorbehouden:

“1. For the purposes of the Code of Conduct, the term “national shipping line” may, in the case of Sweden or any other OECD country, include any vessel-operating shipping line established on the territory of the country in question in accordance with its laws and regulations.

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

(b) Point (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 a developing country which are recognized as national shipping lines under the Code and which are:

- (i) already members 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, on a reciprocal basis, not be applied in conference trades between Sweden and 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 coordinate 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.”;

en de volgende verklaringen:

“A. The Government of Sweden 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 (*i.e.* when opportunities to compete exist.) This 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.

B. This Government considers furthermore that any regulations or other

measures adopted by a contracting party to the UN 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.

C. The Government of Sweden 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.”

<sup>3)</sup> Onder de volgende voorbeholden:

“1. Articles 2, 3 and 14 (9) of the Code of Conduct shall, on a reciprocal basis, not be applied in conference trades between Finland and other OECD countries which are parties to the Code.

2. 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 coordinate 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.”;

en onder de volgende verklaringen:

“A. The Government of Finland 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 (*i.e.* when opportunities to compete exist.) This 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.

B. This Government considers furthermore that any regulations or other measures adopted by a contracting party to the UN 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.

C. The Government of Finland 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.”.

<sup>6)</sup> Onder de verklaring, dat toetreding tot het Verdrag op geen enkele wijze een erkenning van Israël door de regering van Koeweit inhoudt.

#### G. INWERKINGTREDING

Zie *Trb.* 1983, 100.

Wat het Koninkrijk der Nederlanden betreft, zijn de bepalingen van het Verdrag, met bijlage, op 1 januari 1986 in werking getreden voor Aruba.

#### H. TOEPASSELIJKVERKLARING

De Regering van het *Koninkrijk der Nederlanden* heeft de Secretaris-Generaal der Verenigde Naties in kennis gesteld dat het Verdrag, met bijlage, mede toepasselijk is op:

Aruba . . . . .	4 februari 1987 (met ingang van 1 januari 1986)
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#### J. GEGEVENS

Van het op 26 juni 1945 te San Francisco tot stand gekomen Handvest der Verenigde Naties zie ook *Trb.* 1987, 113.

Uitgegeven de *achtentwintigste* augustus 1987.

*De Minister van Buitenlandse Zaken,*

H. VAN DEN BROEK