

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 171

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, met Bijlage, 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.

Het voornemen tot opzegging van het Verdrag, met Bijlage, is in overeenstemming met artikel 14, eerste lid, juncto artikel 2, eerste lid, en artikel 5, eerste lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal bij brieven van 20 mei 2011 (Kamerstukken II 2010/2011, 32796).

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Infrastructuur en Milieu M. H. SCHULZ VAN HAEGEN-MAAS GEESTERANUS, de Minister van Buitenlandse Zaken U. ROSENTHAL en de Minister van Economische Zaken, Landbouw en Innovatie M. J. M. VERHAGEN.

De goedkeuring door de Staten-Generaal is verleend op 30 juni 2011.

E. PARTIJEGEREVENS

Zie rubriek E en F van *Trb.* 1979, 177.

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Algerije	27-06-75	12-12-86	R	12-06-87		
Bangladesh		24-07-75	T	06-10-83		
Barbados		29-10-80	T	06-10-83		
België	30-06-75	30-09-87	R	30-03-88		
Benin		27-10-75	T	06-10-83		
Brazilië	23-06-75					
Bulgarije		12-07-79	T	06-10-83	22-12-08	22-12-09
Burkina Faso		30-03-89	T	30-09-89		
Burundi		02-11-05	T	02-05-06		
Centraal Afrikaanse Republiek		13-05-77	T	06-10-83		
Chili		25-06-75	O	06-10-83		
China		23-09-80	T	06-10-83		
Congo, Democratische Republiek		25-07-77	T	06-10-83		
Congo, Republiek		26-07-82	T	06-10-83		
Costa Rica	15-05-75	27-10-78	R	06-10-83		
Cuba		23-07-76	T	06-10-83		
Denemarken		28-06-85	T	28-12-85	17-04-09	17-04-10
Duitsland	30-06-75	06-04-83	R	06-10-83	26-09-07	26-09-08
Ecuador	22-10-74					
Egypte		25-01-79	T	06-10-83		
Ethiopië	19-06-75	01-09-78	R	06-10-83		
Filipijnen, de	02-08-74	02-03-76	R	06-10-83		
Finland		31-12-85	T	30-06-86		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Frankrijk	30-06-75	04-10-85	R	04-04-86		
Gabon	10-10-74	05-06-78	R	06-10-83		
Gambia		30-06-75	O	06-10-83		
Ghana	14-05-75	24-06-75	R	06-10-83		
Guatemala	15-11-74	03-03-76	R	06-10-83		
Guinee		19-08-80	T	06-10-83		
Guyana		07-01-80	T	06-10-83		
Honduras		12-06-79	T	06-10-83		
India	27-06-75	14-02-78	R	06-10-83		
Indonesië	05-02-75	11-01-77	R	06-10-83		
Irak		25-10-78	T	06-10-83		
Iran	07-08-74					
Italië		30-05-89	T	30-11-89		
Ivoorkust	01-05-75	17-02-77	R	06-10-83		
Jamaica		20-07-82	T	06-10-83		
Joegoslavië (< 25-06-1991)	17-12-74	07-07-80	R	06-10-83		
Jordanië		17-03-80	T	06-10-83		
Kaapverdië		13-01-78	T	06-10-83		
Kameroen		15-06-76	T	06-10-83		
Kenia		27-02-78	T	06-10-83		
Koeweit		31-03-86	T	30-09-86		
Libanon		30-04-82	T	06-10-83		
Liberia		16-09-05	T	16-03-06		
Madagaskar		23-12-77	T	06-10-83		
Maleisië		27-08-82	T	06-10-83		
Mali		15-03-78	T	06-10-83		
Malta	15-05-75					

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Marokko		11-02-80	T	06-10-83		
Mauritanië		21-03-88	T	21-09-88		
Mauritius		16-09-80	T	06-10-83		
Mexico		06-05-76	T	06-10-83		
Montenegro		23-10-06	VG	03-06-06		
Mozambique		21-09-90	T	21-03-91		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten		06-04-83 – – 04-02-87 – –	T T	06-10-83 – – 01-01-86 – –	25-07-11	25-07-12
Niger	24-06-75	13-01-76	R	06-10-83		
Nigeria		10-09-75	T	06-10-83		
Noorwegen		28-06-85	T	28-12-85		
Pakistan		27-06-75	O	06-10-83		
Peru		21-11-78	T	06-10-83		
Portugal		13-06-90	T	13-12-90		
Qatar		31-10-94	T	30-04-95		
Roemenië		07-01-82	T	06-10-83		
Russische Federatie	27-06-75	28-06-79	R	06-10-83		
Saudi-Arabië		24-05-85	T	24-11-85		
Senegal	30-06-75	20-05-77	R	06-10-83		
Servië		12-03-01	VG	27-04-92		
Sierra Leone		09-07-79	T	06-10-83		
Slowakije		28-05-93	VG	01-01-93		
Soedan		16-03-78	T	06-10-83		

Partij	Ondertekening	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Somalië		14-11-88	T	14-05-89		
Spanje		03-02-94	T	03-08-94		
Sri Lanka		30-06-75	O	06-10-83		
Tanzania		03-11-75	T	03-05-76		
Togo	25-06-75	12-01-78	R	06-10-83		
Trinidad en Tobago		03-08-83	T	03-02-84		
Tsjechië		02-06-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)	30-06-75	04-06-79	R	06-10-83		
Tunesië		15-03-79	T	06-10-83		
Turkije	30-06-75					
Uruguay		09-07-79	T	06-10-83		
Venezuela		30-06-75	O	06-10-83		
Verenigd Koninkrijk, het		28-06-85	T	28-12-85	16-10-07	20-10-08
Zambia		08-04-88	T	08-10-88		
Zuid-Korea		11-05-79	T	06-10-83		
Zweden		28-06-85	T	28-12-85		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Hongkong SAR	01-07-1997	

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Gibraltar	28-12-1985	20-10-2008

Uitgebreid tot	In werking	Buiten werking
Hongkong (< 01-07-1997)	28-12-1985	01-07-1997

Verklaringen, voorbehouden en bezwaren

België, 30 september 1987

I. Reservations:

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. Articles 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 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.

II. Declarations:

1. In accordance with Resolutions on non-conference shipping lines adopted by the Conference of Plenipotentiaries, as reproduced in annex II-2 to this convention, the Government of the Kingdom of Belgium shall not prevent non-conference shipping lines from operating, provided that they compete with the conferences on a commer-

cial basis, respecting the principle of fair competition. This government confirms its intention to abide by the said Resolution.

2. The Government of the Kingdom of Belgium declares that it will implement the Convention and its annexes 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.

Brazilië, 23 juni 1975

In accordance with SUNAMAM's resolutions Nos. 3393, of 12/30/1972, and 4173, of 12/21/1972, which set up and structured the "Bureau de Estudos de Fretes Internacionais da SUNAMAM", and by which the "Superintendência Nacional de Marinha Mercante (SUNAMAM)" has the authority to reject any proposal on freight rates put forward by Liner Conferences, the contents of article 14, paragraph 6, of that Convention do not confirm to Brazilian Law.

Bulgarije, 12 juli 1979

The Government of the People's Republic of Bulgaria considers that the definition of liner conference does not include joint bilateral lines operating on the basis of intergovernmental agreements.

With regard to the text of point 2 of the annex to resolution I, adopted on 6 April 1974, the Government of the People's Republic of Bulgaria considers that the provisions of the Convention on a Code of Conduct for Liner Conferences do not cover the activities of non-conference shipping lines.

China, 23 september 1980

The joint shipping services established between the People's Republic of China and any other country through consultations and on a basis that the parties concerned may deem appropriate, are totally different from liner conferences in nature, and the provisions of the United Nations Convention on a Code of Conduct for Liner Conferences shall not be applicable thereto.

China, 10 juni 1997

[Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Convention with the reservation made by China will also apply to the Hong Kong Administrative Region.]

[Declaration:]

1. A) Without prejudice to paragraph 1 (B) of this reservation, article 2 of the Convention shall not be applied in conference trades, on a reciprocal basis, between the Hong Kong Special Administrative Region and any State which has made a reservation disapplying article 2 in respect of its trade with the People's Republic of China.

B) Paragraph 1 (A) above shall not affect the opportunity of shipping lines of a developing country for participation as third country shipping lines in such trades in accordance with the principles reflected in article 2 of the Convention, or the shipping lines of a developing country which are recognised as national shipping lines under the Convention and which are:

- a) Already members of a conference serving these trades; or
- b) Admitted to such a conference under article 1(3) of the Convention.

2. In trades where article 2 of the Convention applies, shipping lines incorporated in the Hong Kong Special Administrative Region will, subject to reciprocity, allow participation in redistribution by lines from any country which has agreed to allow participation by lines of the People's Republic of China in redistribution in respect of its trades.

3. Article 3 and article 14(9) of the Convention shall not be applied in conference trades, on a reciprocal basis, between the Hong Kong Special Administrative Region and any State which has made a reservation disapplying article 3 and article 14(9) in respect of its trade with the People's Republic of China.

4. In trade to which article 3 of the Convention applies, the last sentence of that article is interpreted as meaning that:

A) The two groups of national shipping lines will coordinate their position before voting on matters concerning the trade between their two countries; and

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.

Cuba, 23 juli 1976

Reservation:

The Republic of Cuba enters a reservation concerning the provisions of article 2, paragraph 17, of the Convention, to the effect that Cuba will not apply said paragraph to goods carried by joint liner services for the carriage of any cargo, established in accordance with intergovernmental agreements, regardless of their origin, their destination or the use for which they are intended.

Declaration:

With regard to the definitions in the first paragraph of part one, chapter I, the Republic of Cuba does not accept the inclusion in the concept of "Liner conference or conference" of joint liner services for the carriage of any type of cargo, established in accordance with intergovernmental agreements.

Denemarken, 28 juni 1985

Reservations:

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 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.

Declarations:

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 conference 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.

Duitsland, 6 april 1983

Declarations:

1. For the purposes of the Code of Conduct, the term "national shipping line" may, in the case of a Member State of the European Economic 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) [hereinafter], article 2 of the Code of Conduct shall not be applied in conference trades between the Member States of the European Economic Community or, on the basis of reciprocity, between such States and other OECD countries which are parties to the Code.
b) Paragraph (a) [above] shall not affect the opportunities for participation as third-country shipping lines in such trades, in accordance with the principles laid down in such trades, in accordance with the principles laid down 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 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.

5. The Government of the Federal Republic of Germany will not prevent non-conference shipping 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. It confirms its intention to act in accordance with the said resolution.

Finland, 31 december 1985

Reservations:

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.

Declarations:

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.

Frankrijk, 4 oktober 1985

Reservations:

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.

India, 14 februari 1978

In confirmation of paragraph (2) of the statement filed by the Representative of India on behalf of the Group of 77 on 8 April 1974 at the

United Nations Conference of Plenipotentiaries on a Code of Conduct for Liner Conferences, it is the understanding of the Government of India that the intergovernmental shipping services established in accordance with intergovernmental agreements fall outside the purview of the Convention on the Code of Conduct for Liner Conferences regardless of the origin of the cargo, their destination or the use for which they are intended.

Irak, 25 oktober 1978

The accession shall in no way signify recognition of Israel or entry into any relation therewith.

Italië, 30 mei 1989

Reservation:

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 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.

Declaration:

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.

Koeweit, 31 maart 1986

The accession to the Convention does not mean in any way a recognition of Israel by the Government of Kuwait.

Nederlanden, het Koninkrijk der, 6 april 1983

Declarations:

1. For the purposes of the Code of Conduct, the term “national shipping line” may, in the case of a Member State of the European Economic 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) [hereinafter], article 2 of the Code of Conduct shall not be applied in conference trades between the Member States of the European Economic Community or, on the basis of reciprocity, between such States and other OECD countries which are parties to the Code.
 - b) Paragraph (a) [above] shall not affect the opportunities for participation as third-country shipping lines in such trades, in accordance with the principles laid down in such trades, in accordance with the principles laid down 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 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.
5. The Government of the Kingdom of the Netherlands will not prevent non-conference shipping 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. It confirms its intention to act in accordance with the said resolution.

Noorwegen, 28 juni 1985

Reservations:

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.

Declarations:

The Government of Norway 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 conference 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 re-

flected 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 conference 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 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.

Peru, 21 november 1978

The Government of Peru does not regard itself as being bound by the provisions of chapter II, article 2, paragraph 4, of the Convention.

Portugal, 13 juni 1990

A. Reservations:

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 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 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 and, on a reciprocal basis, between such States and the other OECD

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

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

B. Declarations:

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 trade.

Russische Federatie, 28 juni 1979

The Government of the Union of Soviet Socialist Republics considers that the provisions of the Convention on a Code of Conduct for Liner

Conferences do not apply to joint shipping lines established on the basis of intergovernmental agreements to serve bilateral trade between the countries concerned.

Spanje, 3 februari 1994

Reservation 1:

For the purposes 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 (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.

Declaration:

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 could 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.

Verenigd Koninkrijk, het, 28 juni 1985

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

Reservations:

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.

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 coordinate 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.

Declarations:

The Government of Great Britain and Northern Ireland 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 conference 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 conference 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 the United Kingdom of Great Britain and Northern Ireland 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.

Zweden, 28 juni 1985

Reservations:

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.

Declarations:

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 conference 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 conference 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 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.

G. INWERKINGTREDING

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

Voor een verdragsluitende partij die het Verdrag, met Bijlage, opzegt, treedt het Verdrag, met Bijlage, ingevolge artikel 50, tweede lid, een jaar, of een langere periode zoals aangegeven in de akte van opzegging, na de datum van ontvangst van de akte door de depositaris buiten werking.

Het Verdrag, met Bijlage, zal ingevolge hetzelfde artikel op 25 juli 2012 voor het Koninkrijk der Nederlanden, voor Nederland (het Europese deel) buiten werking treden. Het Verdrag, met Bijlage, blijft van kracht voor Aruba.

J. VERWIJZINGEN

Zie *Trb.* 1979, 177, *Trb.* 1980, 165, *Trb.* 1983, 100, *Trb.* 1987, 130 en *Trb.* 1995, 245.

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2011, 57

Uitgegeven de *drieëntwintigste* september 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL