

No. 22380. CONVENTION ON A CODE OF CONDUCT FOR LINER CONFERENCES.
CONCLUDED AT GENEVA ON 6 APRIL 1974¹

ACCESSIONS

Instruments deposited on:

28 June 1985

DENMARK

(Except Greenland and the Faeroe Islands. With effect from 28 December 1985.)

With the following reservations and declarations:

[TRANSLATION — TRADUCTION]

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

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 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 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).

¹ United Nations, *Treaty Series*, vol. 1334, p. 15, and annex A in volumes 1365 and 1398.

² *Ibid.*, vol. 298, p. 3 (English translation), vol. 294, p. 3 (authentic French text), vol. 295, p. 2 (authentic German text), vol. 296, p. 2 (authentic Italian text), vol. 297, p. 2 (authentic Dutch text); see also vol. 1376, No. I-23108 (authentic Danish text), vol. 1377, No. I-23108 (authentic English text), vol. 1378, No. I-23108 (authentic Irish text), vol. 1383, p. 2 (authentic Greek text), vol. 1452, No. I-24605 (authentic Portuguese text), vol. 1453, p. 2 (authentic Spanish text).

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.¹ 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.

28 June 1985

NORWAY

(With effect from 28 December 1985.)

With the following reservations and declarations:

Reservations:

"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."

Declarations:

"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

¹ United Nations, *United Nations Conference on Trade and Development, Geneva, volume II*, TD/CODE/13/Add.1, p. 22.

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.”

28 June 1985

SWEDEN

(With effect from 28 December 1985.)

With the following reservations and declarations:

Reservations:

“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.”

Declarations:

“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 ac-

tivities 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.”

28 June 1985

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

(On behalf of the United Kingdom, Gibraltar and Hong Kong. With effect from 28 December 1985.)

With the following reservations and declarations:

Reservations:

“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 I (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 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."

Declarations:

"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 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 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."

Registered ex officio on 28 June 1985.