

No. 4274

**BELGIUM
and
NETHERLANDS**

Agreement (with annex) amending the Regulations signed at Antwerp on 20 May 1843, concerning pilotage and joint supervision on the Scheldt. Signed at Brussels, on 24 October 1957

Official texts: French and Dutch.

Registered by Belgium on 31 March 1958.

**BELGIQUE
et
PAYS-BAS**

Convention (avec annexe) modifiant le Règlement signé à Anvers le 20 mai 1843, relatif au pilotage et à la surveillance commune sur l'Escaut. Signée à Bruxelles, le 24 octobre 1957

Textes officiels français et néerlandais.

Enregistrée par la Belgique le 31 mars 1958.

[TRANSLATION — TRADUCTION]

No. 4274. AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND THE KINGDOM OF THE NETHERLANDS AMENDING THE REGULATIONS SIGNED AT ANTWERP ON 20 MAY 1843, CONCERNING PILOTAGE AND JOINT SUPERVISION ON THE SCHELDT. SIGNED AT BRUSSELS, ON 24 OCTOBER 1957

His Majesty the King of the Belgians and Her Majesty the Queen of the Netherlands, recognizing the necessity of making certain new arrangements concerning pilotage on the Scheldt and its estuary, have for this purpose designated as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. Victor Larock, Minister of Foreign Affairs ;

Her Majesty the Queen of the Netherlands :

His Excellency Jonkheer E. Teixeira de Mattos, Ambassador Extraordinary and Plenipotentiary of the Netherlands at Brussels,

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article I

The Regulations on pilotage and joint supervision, constituting part of the Agreement of 20 May 1843 concluded between Belgium and the Netherlands to give effect to articles 9 and 10 of the Treaty of 19 April 1839 and to chapter II, sections 1, 2, 3 and 4, of the Treaty of 5 November 1842, are hereby amended as follows :

A. Article 27 shall read as follows :

“ If a master takes aboard more than one pilot in order to ensure greater safety in the piloting of his vessel, the pilotage charge due under these Regulations shall be paid for the services of each of the pilots. ”

B. An article 28 *bis* shall be inserted after article 28 and shall read as follows :

¹ Came into force on 1 March 1958, in accordance with article IV. The exchange of the instruments of ratification took place at The Hague on 27 December 1957. This Convention is not applicable to the Territories of the Belgian Congo and Ruanda-Urundi.

“ The commissioners entrusted with joint supervision shall determine the buoys or points that are to be regarded as outer buoys within the meaning of these Regulations. They shall also indicate the geographical position of such buoys.

“ The said commissioners shall ensure that this information is made known to shipping.

“ If the commissioners are unable to come to an agreement on the matters set out in the first paragraph, the position of the outer buoys shall be determined by common agreement between the Governments of the two countries. ”

C. Article 36 shall read as follows :

“ Subject to the special provisions of these Regulations in respect of scales, the pilotage charge shall be paid in accordance with the scales set out in the annex to these Regulations.

“ The said scales, which are expressed in guilders, include a scale of sea pilotage charges, hereinafter referred to as scale Z, and a scale of inland-waters pilotage charges, hereinafter referred to as scale B.

“ These scales are fixed on the basis of the vessel's draft expressed in decimetres. Fractions of half a decimetre or less are disregarded while those of more than half are rounded off to the next higher decimetre.

“ In scale B, the distances covered in nautical miles, as listed in the annex to these Regulations, are also taken into account. A nautical mile is understood to be a mile comprising 1/60th of a degree (1,852 metres).

“ Scale Z shall apply to seaward of the Flushing roadstead; scale B shall apply to landward of said roadstead.

“ The scale for the most frequent pilotage run in the inland waters is given in the annex to these Regulations.

“ To obtain the scales for pilotage charges in Belgian currency, the scales set out in the annex shall be converted on the basis of the average rate of exchange of the Netherlands guilder as officially quoted at Brussels, it being understood that no adjustment shall be made in the amounts thus determined in Belgian francs unless the rate of exchange varies by more than 1 ½ per cent from the rate on which the last computation was based; the amounts thus obtained shall be rounded off to the next higher ten if the units digit is five or more, and to the next lower ten if the units digit is less than five.

“ The scales for pilotage charges in Belgian currency, as amended under the terms of the preceding paragraph, shall be declared in force by the pilotage administrations of the two countries within five days of the date indicated in the tenth paragraph, item (c), of this article.

“ The pilotage administrations of the two countries shall, by publishing a schedule, ensure that the new scales in Belgian currency are made known to shipping.

“ This schedule shall in particular indicate :

“ (a) The date on which the scales were fixed;

“ (b) The time from which the pilotage charges shall be levied according to this schedule in Belgian currency;

“ (c) The date of the official quotation at Brussels and the rate of exchange on which this schedule is based.

“ In the event that more than one article of this chapter is applicable, increases and reductions in the pilotage charges based on the scales set out in the annex or on those obtained by conversion shall be computed according to the sequence of the articles in this chapter, it being understood that every subsequent increase or reduction shall be computed on the basis of the amount already increased or reduced.

“ If, in the event that one of the articles of this chapter is applicable, the amount of the pilotage charges in Netherlands currency includes decimals, this amount shall be rounded off to the next higher guilder if the decimal is .50 or more, and to the next lower guilder if it is less than .50; the amounts obtained in Belgian currency shall be rounded off as indicated in the seventh paragraph of this article.

“ If two or more of the articles of this chapter are applicable, the rounding-off provided for in the preceding paragraph shall not be effected until the last computation has been completed. ”

D. An article 36 *bis* shall be inserted after article 36 and shall read as follows :

“ The pilotage charge computed on the basis of the scales shall be increased by 10 per cent for vessels which are in tow.

“ The scales for vessels which are in tow shall continue to apply in cases where the pilot, in order to carry out his duties, transfers to the towing vessel.

“ The 10 per cent increase in pilotage charges shall not apply if towing is employed only at the beginning or end of a pilotage run in entering or leaving a harbour, dock or roadstead. This provision shall also apply where, for reasons which could not be foreseen at the beginning of the pilotage run, the assistance of one or more towing vessels has to be sought during the run, or where one or more towing vessels escort the vessel during the run in order to lend it any necessary assistance. ”

E. Article 37 shall read as follows :

“ The draft shall be noted by the pilot in the presence of the master or his representative.

“ The charge for sea pilotage and inland-waters pilotage shall be computed on the basis of the draft in the port of arrival or departure or, in the case of vessels bound for Ghent or another port on the Belgian section of the Terneuzen Canal, on the basis of the draft in the Terneuzen lock, provided that :

“(a) In the case of a vessel coming from the sea whose draft changes before or during the inland-waters pilotage run, the sea pilotage charge shall be computed on the basis of the greatest draft during the sea pilotage run, and the inland-waters pilotage charge on the basis of the greatest draft during the inland-waters pilotage run;

“(b) In the case of a vessel going out to sea whose draft changes before the beginning of the sea pilotage run, the sea pilotage charge shall be computed on the basis of the draft measured at the beginning of that run, and the inland-waters pilotage charge on the basis of the greatest draft during the inland-waters pilotage run.

“ Any increase in draft resulting from unforeseen damage or accidents occurring during the pilotage run shall be disregarded in computing the pilotage charge. ”

F. Article 38 shall read as follows :

“ If anchor is cast one or more times during a pilotage run—off or within the estuary, in the roadstead or in inland waters—and the run is subsequently resumed, the run shall not be considered to have been terminated or interrupted on condition that no goods are loaded or unloaded and no passengers are taken on board or put ashore while the vessel is lying at anchor. ”

G. Article 39 shall read as follows :

“ If, upon arrival, a master is unable to obtain a pilot before reaching the outer buoy but takes one on board after passing that buoy, the charge for piloting the vessel in the estuary shall be half the pilotage charge set out in scale Z.

“ If a master does not employ the services of a pilot, even though he could have obtained them, he must nevertheless pay the pilotage charges set out in the scales.

“ If there was no possibility of obtaining a pilot, no pilotage charge need be paid. ”

H. Articles 41 and 42 shall cease to have effect.

I. Article 43 shall read as follows :

“ If a pilot boat, by reason of bad weather or other circumstances, is unable to put on board one or more vessels the pilots who are to pilot them but nevertheless provides pilotage by travelling in front of them, the pilotage charge set out in scale Z shall be paid in respect of such vessel.