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Exchange of Notes

between His Majesty's Government in
the Irish Free State
and the Italian Government

concerning the

RECIPROCAL RECOGNITION OF PASSENGER SHIPS' CERTIFICATES AND EMIGRANT SHIP REGULATIONS

Rome, May 10, 1930

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

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**Exchange of Notes between His Majesty's Government
in the Irish Free State and the Italian Government
concerning the Reciprocal Recognition of Passenger
Ships' Certificates and Emigrant Ship Regulations.**

Rome, May 10, 1930.

No. 1.

Sir R. Graham to Signor Grandi.

British Embassy,

M. le Ministre,

Rome, May 10, 1930.

At the instance of His Majesty's Government in the Irish Free State and under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that His Majesty's Government in the Irish Free State agree to the following provisions as constituting an agreement on a reciprocal basis between them and the Royal Italian Government.

It being the desire of His Majesty's Government in the Irish Free State of the one part, and of the Royal Italian Government of the other, to make arrangements for facilitating the entry of ships registered in the Irish Free State into the trades (including the emigrant trades) based on Italian ports, and the entry of Italian ships into the trades (including the emigrant trades) based on the ports of the Irish Free State:—

1. Each of the contracting parties will recognise as equivalent to their regulations regarding the safety of passenger vessels, the regulations issued by the other, and will accept as valid the passenger certificates issued by the other.

Vessels having unexpired passenger certificates issued by one party will not be required by the other party to undergo any further inspection as regards hull, machinery and equipment, including life-saving appliances, except such as may be necessary in any case of doubt to confirm that the condition of the vessel, her machinery and life-saving equipment are as stated in the said certificate.

2. The contracting parties recognise that the laws and regulations on each side which provide for the health and comfort of the emigrants on board ship, including such matters as accommodation, space for passengers, ventilation, hospitals, disinfection, baths, wash-places, &c., medical stores, medical personnel, interpretation service and the carriage of dangerous and offensive cargoes, are substantially equivalent one to the other. They therefore agree,

firstly, that where a ship belonging to either party clears from a port of that party as an emigrant ship, such ship shall not be required to undergo any form of survey or inspection as an emigrant ship in any port of the other party except that the inspectors of the other party may, if they so desire, satisfy themselves that the accommodation, space for passengers, ventilation, hospitals, disinfection, baths, wash-places, &c., medical stores, medical personnel, interpretation service and the cargo on board the ship comply with the laws and regulations of the first party and that the stores of food and water are according to the appropriate scales for the emigrants carried, and, secondly, that where a ship belonging to either contracting party calls at a port of the other party to embark emigrants without first having cleared from a port of the first party as an emigrant ship, that ship shall be required to clear from a port of the other party as an emigrant ship, but the inspectors of the other party shall have regard to the regulations, &c., of the country to which the vessel belongs—the equivalence of which is recognised above.

Nevertheless the contracting parties agree that where a ship of one party, without first having cleared as an emigrant ship from a port of that party, calls at a port of the other party and there embarks not less than fifty emigrants, nationals of the second party, the second party may require the carriage of a doctor of the same nationality as those emigrants if this is provided for in its own law or regulations.

3. Ships holding passenger certificates issued by one party and ships which, under the laws and regulations of that party, may enter the emigrant trades based on the ports of that party, may engage freely in the passenger and emigrant trades respectively based on the ports of the other, and the companies owning the ships concerned may open agencies and offices in the territory of the other and conduct their business under the same conditions as national shipping companies engaging in those trades, subject to the payment of such fees and the deposit of such bonds as may be required under the law of that other party in the case of all foreign companies engaging in similar business.

In all matters relating to the recruiting and transport of emigrants, other than those referred to in paragraphs 1 and 2, and including all such matters as the boarding of emigrants prior to embarkation, the repatriation of rejected emigrants, the repatriation of indigent persons, the fares to be charged, the contract ticket, and the settlement of disputes arising out of the contract ticket, the law of the country in which the contract with the emigrant is made, shall apply. In all such matters there shall be no discrimination based on the flag of the vessel or the nationality of the company concerned.

4. Persons travelling, or proposing to travel, on the ships of one party to or from the ports of the other shall enjoy the same rights, favours, immunities, facilities and privileges in all respects, as are, or may be, enjoyed by persons travelling, or proposing to travel, on the ships of the other party. The provisions of this article extend, *inter alia*, to all matters relating to the issue of passports, passport visas, and the charges attaching thereto.

5. Companies owning vessels registered in the Irish Free State which desire to enter the emigrant trades based on Italian ports will apply to the Royal Italian Government for the necessary "patenti" and the Royal Italian Government agree:—

- (a.) That the provision in the Italian law under which the vessels, on entry into the Italian emigration trades, must not be more than three years of age or must have a speed of eighteen knots, shall be deemed to have been complied with if the vessels in question were not more than three years old or had a speed of eighteen knots when they first entered the emigrant trade in the Irish Free State, provided always that "patenti" will not be granted to vessels of less than five thousand gross tons or of a speed of less than eleven and one-half knots, or vessels fitted with single screws.
- (b.) That with regard to the provision in the Italian law under which the maximum limit of twenty years for vessels engaged in the carriage of emigrants from Italian ports may be increased to twenty-five years on the favourable advice of the Italian Mercantile Marine Department, they will accept the authorisation to carry emigrants issued by His Majesty's Government in the Irish Free State as equivalent to the favourable advice of the Italian Mercantile Marine Department, both from the nautical point of view and from the point of view of the maintenance of the accommodation.

6. Each of the contracting parties may terminate this agreement by six months' notice given to the other contracting party through the diplomatic channel.

7. The present note and your Excellency's reply of the same date in a similar sense shall be regarded as placing on record the understanding arrived at between the respective Governments.

I have, &c.

R. GRAHAM.

No. 2.

Signor Grandi to Sir R. Graham.

Ministero degli Affari Esteri,
Roma, li 10 Maggio 1930-VIII.

Signor Ambasciatore,

Ho l'onore d'informare Vostra Eccellenza che il Governo di Sua Maestà il Re conviene nelle disposizioni che seguono, costituenti un accordo sulla base della reciprocità fra Esso, da una parte, ed i Governi di Sua Maestà Britannica nello Stato Libero d'Irlanda, dall'altra.

Essendo intendimento del Governo Fascista da una parte, e del Governo di Sua Maestà Britannica nello Stato Libero d'Irlanda, dall'altra, di venire ad accordi per facilitare l'ammissione delle navi

italiane ai traffici (compresi i traffici degli emigranti) nei porti dello Stato Libero d'Irlanda, e l'ammissione delle navi Britanniche appartenenti alla Marina Mercantile dello Stato Libero d'Irlanda, ai traffici (compresi i traffici degli emigranti) nei porti italiani :

1. Ciascuna delle Parti contraenti riconoscerà come equivalenti alle proprie regole riguardanti la sicurezza delle navi da passeggeri, quelle promulgate dall'altra Parte ed accetterà come validi i certificati per il trasporto di passeggeri rilasciati dall'Altra Parte. Le navi in possesso di un certificato non scaduto rilasciato da una delle Parti contraenti non saranno dall'altra Parte contraente sottoposte ad alcun'altra ispezione per quanto concerne lo scafo, le macchine e l'arredamento, compresi i mezzi di salvataggio, salvo le ispezioni che fossero necessarie, in caso di dubbio, per accertare che le condizioni della nave, o di una delle sue parti, delle macchine e dei mezzi di salvataggio, corrispondono alle attestazioni del certificato anzidetto.

2. Le Parti contraenti riconoscono che le rispettive disposizioni legislative e regolamentari concernenti l'igiene e la sistemazione degli emigranti a bordo delle navi, comprese in questa materia le norme per l'alloggio, lo spazio per i passeggeri, l'aerazione, gli ospedali, la disinfezione, i bagni, i lavatoi ecc., la farmacia, il personale sanitario, il servizio d'interprete e l'imbarco di materie pericolose o nocive, sono sostanzialmente equivalenti fra loro.

Perciò convengono : (1°) che quando una nave appartenente ad una di esse Parti contraenti inizia il suo viaggio da un porto di questa Parte come nave in servizio di emigrazione, detta nave non debba essere sottoposta ad alcuna specie di visita o d'ispezione come nave in servizio di emigrazione in alcun porto dell'altra Parte contraente, salva negli Ispettori di questa Parte—se lo credono opportuno—la facoltà di accertare che gli alloggi, lo spazio per passeggeri, l'aerazione, gli ospedali, la disinfezione, i bagni, i lavatoi ecc., la farmacia, il personale sanitario, il servizio d'interpreti, ed il carico a bordo della nave corrispondono alle disposizioni legislative e regolamentari dell'altra Parte e che la provvista di viveri e di acqua siano adeguate al numero degli emigranti imbarcati : (2°) che quando una nave appartenente ad una delle Parti contraenti si rechi in un porto dell'altra Parte per imbarcarvi emigranti senza avere iniziato il viaggio in servizio di emigrazione da un porto della prima delle Parti contraenti, questa nave sarà sottoposta alle disposizioni relative alle navi da emigranti nel porto dell'altra Parte; nella visita dovrà però tenersi conto delle norme ecc., vigenti nel paese a cui la nave appartiene e la cui equivalenza è più sopra riconosciuta.

Nondimeno le due Parti contraenti convengono che quando la nave di una delle Parti, senza essere partita in servizio di emigrazione da un porto di questa Parte, si reca in un porto dell'altra Parte e vi imbarca non meno di 50 emigranti nazionali di questa Parte, quest'ultima può richiedere che sia imbarcato un medico della stessa nazionalità di detti emigranti, se ciò è previsto dalle proprie disposizioni legislative o regolamentari.

3. Le navi in possesso di certificati per il trasporto di passeggeri rilasciati da una delle Parti contraenti e le navi che secondo le leggi e regolamenti di questa parte possono nei porti di essa esercitare servizi di emigrazione—possono ugualmente esercitare servizi di passeggeri e di emigranti nei porti dell'altra Parte—e le Società a cui le dette navi appartengono possono tenere agenzie ed uffici nel territorio dell'altra Parte ed esplicare la loro attività mercantile alle medesime condizioni delle Società nazionali che esercitano siffatti servizi, e previo pagamento di tutte le tasse e la prestazione di tutte le garanzie richieste dalla legge di detta altra Parte contraente a tutte le Compagnie estere che esercitano analoghi servizi. Salvo quanto è stabilito nei paragrafi 1 e 2 per tutto quanto concerne il reclutamento ed il trasporto degli emigranti, ivi compresi fra l'altro il mantenimento degli emigranti a terra—il rimpatrio dei respinti, il rimpatrio degli indigenti—i noli—il biglietto di viaggio—la decisione delle controversie risultanti dall'esecuzione del contratto di trasporto, si applica la legge del Paese nel quale il contratto con l'emigrante è concluso. In questa materia non sarà fatta alcuna distinzione che tragga origine dalla bandiera della nave o della nazionalità delle Società a cui essa appartiene.

4. Le persone che viaggiano e intendono viaggiare sulle navi di una delle Parti contraenti da e verso un porto dell'altra Parte contraente, godranno degli stessi diritti, favori, esenzioni, facilitazioni e privilegi in tutte quelle forme che sono o potranno essere concesse alle persone che viaggiano o intendono viaggiare sulle navi dell'altra Parte. Le disposizioni del presente articolo si applicano fra l'altro a tutto ciò che riguarda il rilascio dei passaporti, i visti dei medesimi e le rispettive tasse.

5. Le Società che possedendo navi appartenenti alla Marina Mercantile dello Stato Libero d'Irlanda, desiderano esercitare servizi di emigrazione nei porti italiani, dovranno chiedere al Regio Governo Italiano la prescritta patente ed il R. Governo Italiano consente :

(a) che la norma della legge italiana secondo la quale per essere ammesso in Italia al servizio di emigrazione le navi non debbono avere oltrepassato i tre anni dal varo, o possedere una velocità non inferiore a 18 nodi, si consideri come osservata dalle navi sopra indicate che abbiano iniziato il servizio di emigrazione nello Stato Libero d'Irlanda prima di compiere i tre anni, o avendo una velocità di 18 nodi, nella intesa che nessuna patente sarà concessa a navi che abbiano meno di 5,000 tonnellate di stazza lorda—o una velocità inferiore a 11 nodi e mezzo—o una sola elica.

(b) che relativamente alla norma della legge italiana per cui il limite massimo di 20 anni per le navi che esercitano servizio di emigrazione nei porti italiani, può essere prorogato fino a 25, su parere favorevole della Direzione Generale della Marina Mercantile, l'autorizzazione al trasporto degli emigranti data dai Governi di S.M.B.

nello Stato Libero d'Irlanda, sia riconosciuta come equivalente al parere favorevole della Direzione Generale della Marina Mercantile Italiana sia dal punto di vista nautico sia da quello del mantenimento degli adattamenti necessari.

6. Ciascuna delle Parti Contraenti può denunciare il presente accordo con un preavviso di sei mesi notificato per via diplomatica all'altra Parte contraente.

7. La presente Nota e quella della Vostra Eccellenza dello stesso tenore saranno considerate come la prova dell'Accordo raggiunto tra i rispettivi Governi.

Gradisca, &c.

GRANDI.

(Translation.)

Ministry for Foreign Affairs,

Rome, the 10th May, 1930-VIII.

M. l'Ambassadeur,

I HAVE the honour to inform your Excellency that the Government of His Majesty the King agrees to the following provisions as constituting an agreement on a reciprocal basis between it, on the one part, and His Majesty's Government in the Irish Free State, on the other part.

It being the intention of the Fascist Government, on the one part, and of His Majesty's Government in the Irish Free State, on the other part, to come to an agreement for the purpose of facilitating the entry of Italian ships into the trades (including the emigrant trades) in the ports of the Irish Free State, and the entry of British ships belonging to the mercantile marine of the Irish Free State, into the trades (including the emigrant trades) in Italian ports:—

1. Each of the contracting parties will recognise as equivalent to their regulations regarding the safety of passenger vessels, those issued by the other party, and will accept as valid the passenger certificates issued by the other.

Vessels having unexpired passenger certificates issued by one contracting party will not be required by the other contracting party to undergo any further inspection as regards hull, machinery and equipment, including life-saving appliances, except the inspection that may be necessary, in case of doubt, to confirm that the condition of the vessel, her machinery and life-saving equipment conform to the said certificate.

2. The contracting parties recognise that the respective laws and regulations which provide for the health and comfort of the emigrants on board ship, including such matters as accommodation, space for passengers, ventilation, hospitals, disinfection, baths, wash-places, &c., medical stores, medical personnel, interpretation service and the carriage of dangerous and offensive cargoes, are substantially equivalent one to the other. They therefore agree: firstly, that whenever a ship belonging to one of the said contracting parties clears from a port of that party as an emigrant ship, such ship shall not be required to undergo any form of survey or

inspection as an emigrant ship in any port of the other contracting party, except that the inspectors of this party may, if they so desire, satisfy themselves that the accommodation, space for passengers, ventilation, hospitals, disinfection, baths, wash-places, &c., medical stores, medical personnel, interpretation service and the cargo on board the ship comply with the laws and regulations of the other party and that the stores of food and water are according to the appropriate scales for the emigrants carried; and secondly, that when a ship belonging to one of the contracting parties calls at a port of the other party to embark emigrants without first having cleared from a port of the first party as an emigrant ship, that ship shall be subject to the regulations respecting emigrant ships in the port of the other party, but the inspectors of the other party shall have regard to the regulations, &c., in force in the country in which the vessel belongs, the equivalence of which is recognised above.

Nevertheless, the two contracting parties agree that whenever a ship of one party, without first having cleared as an emigrant ship from a port of that party, calls at a port of the other party and there embarks not less than fifty emigrants, nationals of the second party, the latter may require the carriage of a doctor of the same nationality of the said emigrants if this is provided for in its own laws or regulations.

3. Ships holding passenger certificates issued by one of the contracting parties, and ships which, under the laws and regulations of that party, may enter the emigrant trades based on the ports of that party, may engage freely in the passenger and emigrant trades respectively based on the ports of the other, and the companies owning the said ships may open agencies and offices in the territory of the other party and conduct their mercantile business under the same conditions as national shipping companies engaging in those trades, subject to the payment of such fees and the deposit of such bonds as may be required under the law of that contracting party in the case of all foreign companies engaging in similar business.

In all matters relating to the recruiting and transport of emigrants, other than those referred to in paragraphs 1 and 2, and including therein amongst other things all such matters as the boarding of emigrants prior to embarkation, the repatriation of rejected emigrants, the repatriation of indigent persons, the fares to be charged, the contract ticket, and the settlement of disputes on matters arising out of the contract ticket, the law of the country in which the contract with the emigrant was made shall apply. In all such matters there shall be no discrimination based on the flag of the vessel or the nationality of the company concerned.

4. Persons travelling, or proposing to travel, on the ships of one contracting party to or from the ports of the other contracting party shall enjoy the same rights, favours, immunities, facilities and privileges in all respects as are, or may be, accorded to persons travelling, or proposing to travel, on the ships of the other party. The provisions of this article extend, *inter alia*, to all matters

relating to the issue of passports, the visas thereof, and the charges attaching thereto.

5. Companies owning vessels belonging to the mercantile marine of the Irish Free State which desire to engage in the emigrant trades in Italian ports will apply to the Royal Italian Government for the necessary "patente" and the Royal Italian Government agree :

- (a) that the provision in the Italian law under which vessels, on entry into the Italian emigration trades, must be not more than three years of age or must have a speed of not less than eighteen knots, shall be deemed to have been complied with if the vessels in question were not more than three years old or had a speed of eighteen knots when they first entered the emigrant trade in the Irish Free State, provided, however, that no "patente" will be granted to vessels of less than 5,000 gross tons or of a speed of less than eleven and a half knots or fitted with only one screw;
- (b) that with regard to the provision in the Italian law under which the maximum limit of 20 years for vessels engaged in the carriage of emigrants from Italian ports may be increased up to 25 years on the favourable advice of the Italian Mercantile Marine Department, they will accept the authorisation to carry emigrants issued by His Majesty's Government in the Irish Free State as equivalent to the favourable advice of the Italian Mercantile Marine Department both from the nautical point of view and from the point of view of the maintenance of the necessary accommodation.

6. Each of the contracting parties may denounce the present agreement by six months' notice given to the other contracting party through the Diplomatic channel.

7. The present note and your Excellency's note in the same sense shall be considered as placing on record the agreement arrived at between the respective Governments.

Accept, &c.
GRANDI.
