



Treaty Series No. 74 (1999)

Agreement

between the Republic of Estonia, the Republic of
Finland and the Kingdom of Sweden

regarding the M/S Estonia with Additional Protocol

Tallinn, 23 February 1995 and
Stockholm, 23 April 1996

[The United Kingdom instrument of accession was deposited
on 11 May 1999 and the Agreement entered into force for the
United Kingdom on 11 May 1999]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 1999*

**AGREEMENT BETWEEN THE REPUBLIC OF ESTONIA,
THE REPUBLIC OF FINLAND AND THE KINGDOM OF SWEDEN
REGARDING THE M/S ESTONIA**

THE REPUBLIC OF ESTONIA, THE REPUBLIC OF FINLAND AND THE
KINGDOM OF SWEDEN, hereinafter referred to as the Contracting Parties,

RECALLING the disaster on the night of 28 September 1994 when the M/S Estonia
sank in the Baltic Sea on her way from Tallinn to Stockholm,

WISHING TO protect the M/S ESTONIA, as a final place of rest for victims of the
disaster, from any disturbing activities,

URGING the public and all other States to afford appropriate respect to the site of
the M/S ESTONIA for all time,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The wreck of the M/S ESTONIA and the surrounding area, as defined in Article 2, shall
be regarded as a final place of rest for victims of the disaster, and as such shall be afforded
appropriate respect.

ARTICLE 2

The area constituting the final place of rest shall for the purpose of this Agreement be
delimited by straight lines from point No. 1 through points No. 2, 3, 4 and back to point
No. 1:

Point No. 1 (Upper Left) 59°23,500'N, 21°40,000'E

Point No. 2 (Upper Right) 59°23,500'N, 21°42,000'E

Point No. 3 (Lower Right) 59°22,500'N, 21°42,000'E

Point No. 4 (Lower Left) 59°22,500'N, 21°40,000'E;

all positions defined by geographical coordinates in World Geodetic System 1984 (WGS
84).

ARTICLE 3

The Contracting Parties hereby agree that the M/S ESTONIA shall not be raised.

ARTICLE 4

1. The Contracting Parties undertake to institute legislation, in accordance with their
national procedures, aiming at the criminalization of any activities disturbing the peace of
the final place of rest, in particular any diving or other activities with the purpose of
recovering victims or property from the wreck or the sea-bed.

2. The Contracting Parties undertake to make it possible to punish the commission of an offence, established in accordance with paragraph 1 of this Article, by imprisonment.
3. Notwithstanding the above provisions, a Contracting Party may take measures to cover the wreck or to prevent pollution of the marine environment from the wreck.

ARTICLE 5

Each Contracting Party undertakes to submit information to another Contracting Party on pending or on-going activities having been criminalized in conformity with Article 4 and involving a vessel flying the flag of that Contracting Party.

ARTICLE 6

This Agreement shall enter into force thirty days after the date when the Contracting Parties have notified the other Contracting Parties in writing that the necessary constitutional procedures for its entry into force have been completed.

Done at Tallinn on 23 February 1995 in three originals, each in the English language.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Agreement:

For the Republic of Estonia

JURI LUIK

For the Republic of Finland

JAAKO KAURINKOSKI

For the Kingdom of Sweden

LARS GRUNDBERG

**PROTOCOL ADDITIONAL TO THE AGREEMENT BETWEEN THE
REPUBLIC OF ESTONIA, THE REPUBLIC OF FINLAND AND
THE KINGDOM OF SWEDEN REGARDING THE M/S ESTONIA**

THE GOVERNMENT OF THE KINGDOM OF SWEDEN, THE GOVERNMENT
OF THE REPUBLIC OF ESTONIA AND THE GOVERNMENT OF THE
REPUBLIC OF FINLAND

BEING PARTIES to the Agreement on the protection of the wreck of the M/S
ESTONIA, signed at Tallinn on 23 February 1995,

WISHING to further strengthen the protection of the wreck, as a final place of rest for
the victims of the disaster, from any disturbing activities,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

All States, wishing to do so, may accede to the Agreement between the Republic of
Estonia, the Republic of Finland and the Kingdom of Sweden on the protection of the
wreck of the M/S ESTONIA, signed at Tallinn on 23 February 1995.

ARTICLE 2

Each State acceding to the Agreement shall deposit its instrument of accession with the
Government of Sweden.

ARTICLE 3

The Agreement shall enter into force for a State acceding to the Agreement on the date
of the deposition of the instrument of accession with the depositary.

Done at Stockholm on 23 April 1996.