
CENTRAL COMMISSION FOR THE NAVIGATION OF THE RHINE

CLNI/CONF (12) 2
4 June 2012
Or : fr/de/nl/en

Diplomatic conference organised by the CCNR
for the adoption of the Revised Strasbourg Convention
on the Limitation of Liability in Inland Navigation (CLNI)
(Strasbourg, 25 – 27 September 2012)

**1988 Strasbourg Convention on Limitation of Liability in Inland Navigation
(CLNI)**

Summary table of the amendments made to the CLNI by the draft revised Convention

Communication from the Secretariat

Attached is a table comparing the wording of the 1988 CLNI and the draft revised Convention (CLNI/CONF (12) 1 = CLNI/EG (12) 8).

**Strasbourg Convention on the Limitation of
Liability of Owners of Inland Navigation Vessels
(CLNI)**

THE KINGDOM OF BELGIUM,
THE FRENCH REPUBLIC,
THE FEDERAL REPUBLIC OF GERMANY,
THE GRAND DUCHY OF LUXEMBOURG,
THE KINGDOM OF THE NETHERLANDS,
THE SWISS CONFEDERATION,

HAVING RECOGNIZED the desirability of harmonizing the law applicable as regards the limitation of liability in inland navigation, particularly on the Rhine and the Moselle,

HAVE DECIDED to conclude a Convention for this purpose, and have thereto agreed as follows;

CHAPTER I

The right of limitation

Article 1

Persons entitled to limit liability

1. Vessel owners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in article 2.
2. The term
 - (a) "vessel owner" shall mean the owner, hirer, charterer, manager and operator of a vessel.
 - (b) "Vessel" shall mean an inland navigation vessel and shall also include hydrofoils, ferries and small craft but not air-cushion vehicles. The term "vessels" shall also cover dredgers, floating cranes, elevators and all other floating- and mobile appliances or plant of a similar nature;
 - (c) "Salvor" shall mean any person rendering services in direct connection with salvage operations. Salvage operations shall also include operations referred to in article 2, paragraph 1 (d), (e) and (f) .

CLNI/CONF (12) 1 = CLNI/EG (12) 8

**Revised Strasbourg Convention on the Limitation
of Liability of Owners of Inland Navigation
Vessels (CLNI 2012)**

The States party to this Convention,

CONVINCED of the usefulness of harmonising the law applicable to the limitation of liability in inland navigation on all inland waterways,

Have agreed as follows:

CHAPTER I

The right of limitation

Article 1

Persons entitled to limit liability, definitions

1. Vessel owners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.
2. The term:
 - (a) **"Vessel owner" shall mean the owner, hirer, charterer entrusted with the use of the vessel in all its aspects, as well as the manager and operator of a vessel;**
 - (b) **"Vessel" shall mean an inland navigation vessel used for commercial navigational purposes and shall also include hydrofoils, ferries and small craft used for commercial navigational purposes but not air-cushion vehicles. The term "vessels" shall also cover dredgers, floating cranes, elevators and all other floating and mobile appliances or plant of a similar nature;**
 - (c) "Salvor" shall mean any person rendering services in direct connection with salvage **or assistance** operations. **These** operations shall also include operations referred to in Article 2, paragraph 1 (d), (e) and (f).

3. If any claims set out in article 2 are made against any person for whose act, neglect or default the vessel owner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.

4. In this Convention the liability of a vessel owner shall include liability in an action brought against the vessel herself.

5. An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.

6. The act of invoking limitation of liability shall not constitute an admission of liability.

Article 2
Claims subject to limitation

1. Subject to articles 3 and 4 the following, claims, whatever the basis of liability may be, shall be subject to limitation of liability:

- (a) claims in respect of loss of life or personal injury or loss of or damage, to property (including damage to harbour works, basins, waterways, locks, bridges and aids to navigation) , occurring on board or in direct connection with the operation of the vessel or with salvage operations, and consequential loss resulting therefrom;
- (b) claims in respect of loss resulting from delay in the carriage of cargo, passengers or their luggage;
- (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the vessel or salvage operations;

(d) **“Dangerous goods” shall mean dangerous goods within the meaning of Chapter 3.2 of the Annexed Regulation to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterway (ADN) in force at the time;**

(e) **“Waterway” shall mean any navigable inland waterway, including a lake.**

3. If any claims set out in Article 2 are made against any person for whose act, neglect or default the vessel owner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.

4. In this Convention the liability of a vessel owner shall include liability in an action brought against the vessel herself.

5. An insurer of liability for claims /subject to limitation/ for which limitation is possible/ in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.

6. The act of invoking limitation of liability shall not constitute an admission of liability.

Article 2
Claims subject to limitation

1. Subject to Articles 3 and 4 the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:

- (a) claims in respect of loss of life or personal injury or loss of or damage, to property (including damage to harbour works, basins, waterways, locks, bridges and aids to navigation), occurring on board or in direct connection with the operation of the vessel or with salvage operations, and consequential loss resulting therefrom;
- (b) claims in respect of loss resulting from delay in the carriage of cargo, passengers or their luggage;
- (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the vessel or salvage or assistance operations;

- (d) claims in respect of the raising, removal, destruction or the rendering harmless of a vessel which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such vessel;
- (e) claims in respect of the removal, destruction or rendering harmless of the cargo of the vessel;
- (f) claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.

2. Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claim, set out under paragraph 1 (d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract, with the person liable.

**Article 3
Claims excepted from limitation**

The rules of this Convention shall not apply to:

- (a) claims for salvage or contribution in general average;
- (b) claims subject to any international convention or national legislation governing or prohibiting, limitation of liability for nuclear damage;
- (c) claims against the owner of a nuclear vessel for nuclear damage;

- (d) claims in respect of the raising, removal, destruction or the rendering harmless of a vessel which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such vessel;
- (e) claims in respect of the removal, destruction or rendering harmless of the cargo of the vessel;
- (f) claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.

2. Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claims under paragraph 1 (d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

**Article 3
Claims excepted from limitation**

The rules of the present Convention shall not apply to:

- (a) claims for assistance or salvage, including, claims for salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment, or to claims for contributions in general average;**
- (b) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;
- (c) claims against the owner of a nuclear vessel for nuclear damage;

(d) claims by servants of the vessel owner or salvor whose duties are connected with the vessel or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the vessel owner or salvor and such servants the vessel owner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in article 6.

**Article 4
Conduct barring limitation**

A person liable shall not be entitled to limit his liability if it is proved that the Loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

**Article 5
Counterclaims**

Where a person, entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective Claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

**CHAPTER II
Limits of liability**

**Article 6
The general limits**

1. The limits of liability for claims other than those mentioned in article 7, arising on any distinct occasion, shall be calculated as follows:

(a) in respect of claims for loss of life or personal injury,

(d) claims by servants of the vessel owner or salvor whose duties are connected with the vessel or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the vessel owner or salvor and such servants the vessel owner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that calculated in accordance with Article 6 or, for claims within the meaning of Article 7, to an amount greater than that calculated in accordance with Article 7.

**Article 4
Conduct barring limitation**

A person liable shall not be entitled to limit his liability if it is proved that the Loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

**Article 5
Counterclaims**

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective Claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

**CHAPTER II
Limits of liability**

**Article 6
The general limits**

1. The limits of liability for claims other than those mentioned in Articles 7 and 8, arising on any distinct occasion, shall be calculated as follows:

a) in respect of claims for loss of life or personal injury,

- (i) for a vessel not used for cargo, in particular a passenger vessel, 200 units of account per cubic metre of displacement at maximum permitted draught, increased for vessels equipped with mechanical means of propulsion by 700 units of account per kW of power of the machines providing the propulsion;
 - (ii) for a cargo vessel, 200 units of account per tonne of the vessel's deadweight, plus 700 units of account per kW of power of the machines providing the propulsion for vessels equipped with mechanical means of propulsion;
 - (iii) for a pusher or tug, 700 units of account per kW of power of the machines providing the propulsion;
 - (iv) for a pusher which, at the moment when the damage was caused, was coupled to barges in a pushed train, the amount of liability calculated in conformity with (iii) shall be increased by 100 units of account per tonne of deadweight of the pushed barges; this increase shall not apply in so far as it can be proved that the pusher has provided salvage services to one or more of these barges;
 - (v) for a vessel equipped with mechanical means of propulsion which at the time when the damage was caused was providing propulsion for other vessels coupled to this vessel, the amount of liability calculated in conformity with (i) , (ii) or (iii) shall be increased by 100 units of account per tonne of deadweight or cubic metre of displacement of the other vessels; this increase shall not apply in so far as it can be proved that this vessel has furnished salvage services to one or more of the coupled vessels;
 - (vi) for floating and mobile appliances or plant in the sense used in the second sentence of article 1, paragraph 2 (b), their value at the time of the occurrence;
- (b) In respect of all other claims, half of the sums mentioned in (a) ;
- i) for a vessel not used for cargo, in particular a passenger vessel, 400 units of account per cubic metre of displacement at maximum permitted draught, increased for vessels equipped with mechanical means of propulsion by 1 400 units of account per kW of power of the machines providing the propulsion;**
 - ii) for a cargo vessel, 400 units of account per tonne of the vessel's deadweight, plus 1 400 units of account per kW of power of the machines providing the propulsion for vessels equipped with mechanical means of propulsion;**
 - iii) for a pusher or tug, 1 400 units of account per kW of power of the machines providing the propulsion;**
 - iv) for a pusher which, at the moment when the damage was caused, was coupled to barges in a pushed train, the amount of the limit calculated in accordance with (iii) shall be increased by 200 units of account per tonne of deadweight of the pushed barges; this increase shall not apply in so far as it can be proved that the pusher has provided salvage services to one or more of these barges;**
 - v) for a vessel equipped with mechanical means of propulsion which at the time when the damage was caused was providing propulsion for other vessels coupled to this vessel, the amount of the limit calculated in accordance with (i), (ii) or (iii) shall be increased by 200 units of account per tonne of deadweight or cubic metre of displacement of the other vessels; this increase shall not apply insofar as it can be proved that this vessel has furnished salvage services to one or more of the coupled vessels;**
 - vi) for floating and mobile appliances or plant in the sense used in the second sentence of Article 1, paragraph 2 (b), their value at the time of the occurrence;**
- (b) In respect of all other claims, half of the amount calculated in accordance with (a);**

- (c) when the amount calculated in accordance with (a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph (b) shall be available for payment of the unpaid balance of claims under paragraph (a) and such unpaid balance shall rank rateably with claims mentioned under paragraph (b) ;
- (d) in no case shall the limits of liability be less than 200,000 units of account for claims in respect of loss of life or personal injury or less than 100,000 units of account for all other claims.

2. However, without prejudice to the right of claims for loss of life or personal injury according to paragraph 1 (c) , a State Party may provide in its national law that claims in respect of damage to harbour works, basins, waterways, locks, bridges and aids to navigation shall have such priority over other claims under paragraph 1 (b) as is provided by that law.

3. The limits of liability mentioned in paragraph 1 (d) shall also apply to any salvor furnishing salvage services to a vessel and not operating from any inland navigation vessel or seagoing vessel, or to any salvor operating solely on the vessel to which he is rendering salvage services.

- (c) When the amount calculated in accordance with (a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph (b) shall be available for payment of the unpaid balance of claims under paragraph (a) and such unpaid balance shall rank rateably with claims mentioned under paragraph (b);**
- (d) in no case shall the limits of liability be less than 400 000 units of account for claims in respect of loss of life or personal injury or less than 200 000 units of account for all other claims.**

2. However, without prejudice to the right of claims for loss of life or personal injury according to paragraph 1 (c), a State Party may provide in its national law that claims in respect of damage to harbour works, basins, waterways, locks, bridges and aids to navigation shall have such priority over other claims under paragraph 1 (b) as is provided by that law.

3. The limits of liability mentioned in paragraph 1 (d) shall also apply to any salvor furnishing salvage services to a vessel and not operating from any inland navigation vessel or seagoing vessel, or to any salvor operating solely on the vessel to which he is rendering salvage services.

Article 7

The limits applicable to claims for damage arising from the carriage of dangerous goods

Notwithstanding Article 6, the limits of liability for a vessel carrying dangerous goods in respect of claims arising in respect of damage resulting directly or indirectly from the dangerous nature of the goods, shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury: twice the amount calculated in accordance with Article 6 paragraph 1 (a), but at least 10 million units of account;**
- (b) in respect of all other claims, twice the amount calculated in accordance with Article 6 paragraph 1 (b), but at least 10 million units of account.**

Article 7
The limits for passenger claims

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a vessel, the limit of liability of the owner thereof shall be an amount of 60,000 units of account multiplied by the number of passengers which the vessel is authorized to carry according to the vessel's certificate, or, if the number of passengers which the vessel is authorized to carry is not prescribed, this limitation shall be determined by the number of passengers actually carried by the vessel at the time of the occurrence. The limits shall not be less than 720,000 units of account, or more than the following amounts:

- (a) 3 million units of account for vessels with an authorized passenger transport capacity of not more than 100;
- (b) 6 million units of account for vessels with an authorized passenger transport capacity of not more than 180;
- (c) 12 million units of account for vessels with an authorized passenger transport capacity of more than 180.

2. For the purpose of this article "claims for loss of life or personal injury to passengers of a vessel" shall mean any such claims brought by or on behalf of any person carried in that vessel;

- (a) under a contract of passenger carriage, or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

When the amount calculated in accordance with the first phrase in (a) is insufficient to pay the claim mentioned therein in full, the maximum amount of liability calculated in accordance with the first phrase in paragraph (b) may be used to settle the unpaid balance of claims under the first phrase of paragraph (a) and such unpaid balance also being used to settle the claims mentioned in the first phrase of paragraph (b).

Article 8
The limits for passenger claims

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a vessel, the limit of liability of the owner thereof shall be an amount of 100 000 units of account multiplied by:

- (a) the number of passengers which the vessel is authorized to carry according to the vessel's certificate, or,
- (b) if the number of passengers which the vessel is authorized to carry is not prescribed, the number of passengers actually carried by the vessel at the time of the occurrence.

This amount shall not be less than 2 000 000 units of account.

2. For the purpose of this article "claims for loss of life or personal injury to passengers of a vessel" shall mean any such claims brought by or on behalf of any person carried in that vessel:

- (a) under a contract of passenger carriage, or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

**Article 8
Unit of account**

1. The unit of account referred to in articles 6 and 7 is the special drawing right as defined by the International Monetary Fund. The amounts mentioned in articles 6 and 7 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment.

2. The value of a national currency of a State Party in terms of the special drawing right shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions.

3. The States Parties may, on the basis of the method of calculation mentioned in paragraph 1, establish the equivalent of the amounts mentioned in articles 6 and 7 in their national currency in round figures. When, following a change in the value of the national currency in terms of special drawing rights, the amounts expressed in such currency differ by more than 10% from the real value expressed in special drawing rights in articles 6 and 7, the said amounts shall be adapted to the real value. States Parties shall communicate to the depositary the sums expressed in the national currency and any modification of those sums.

**Article 9
Unit of account**

1. The unit of account referred to in Articles 6 to 8 is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Articles 6 to 8 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment.

2. The value of a national currency of a State Party in terms of the Special Drawing Right shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions.

3. The States Parties may, on the basis of the method of calculation mentioned in paragraph 1, establish the equivalent of the amounts mentioned in Articles 6 to 8 in their national currency in round figures. When, following a change in the value of the national currency in terms of Special Drawing Rights, the amounts expressed in such currency differ by more than 10% from the real value expressed in Special Drawing Rights in Articles 6 to 8, the said amounts shall be adapted to the real value. States Parties shall communicate to the Depositary the sums expressed in the national currency and any modification of those sums.

Article 9
Aggregation of claims

1. Without prejudice to paragraph 2, the limits of liability determined in accordance with article 6 shall apply to the aggregate of all claims which arise on any distinct occasions:

- (a) against the person or persons mentioned in article 1, paragraph 2 (a) , and any person for whose act, neglect or default he or they are responsible; or
- (b) against the owner of a vessel rendering salvage services from that vessel and the salvor or salvors operating from such vessel and any person for whose act, neglect or default he or they are responsible; or
- (c) against the salvor or salvors who are not operating from an inland navigation vessel or a seagoing ship or who are operating solely on the vessel to which the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

2.

- (a) When, in conformity with article 6, paragraph 1 (a) (iv) , the amount of liability for a pusher which, at the time when the damage was caused, was coupled to barges in a pushed train, is increased in respect of claims arising out of the occurrence by 100 units of account per tonne deadweight of the pushed barges, the amount of liability of each of the barges is reduced, in respect of claims arising out of this occurrence, by 100 units of account for each tonne deadweight of the pushed barge.
- (b) When, in conformity with article 6, paragraph 1 (a) (v), the amount of liability for a vessel equipped with mechanical means of propulsion which, at the time when the damage was caused, was providing propulsion for other vessels coupled to it, is increased in respect of claims arising out of the occurrence by 100 units of account per tonne deadweight or cubic metre of displacement of the coupled vessels, the amount of liability for each coupled vessel shall be reduced, in respect of claims arising out of the said occurrence, by 100 units of account for each tonne deadweight or each cubic metre of displacement of the coupled vessel.

Article 10
Aggregation of claims

1. Without prejudice to paragraph 2, the limits of liability calculated in accordance with Article 6 shall apply to the aggregate of all claims which arise on any distinct occasions:

- (a) against the person or persons mentioned in Article 1, paragraph 2 (a), and any person for whose act, neglect or default he or they are responsible; or
- (b) against the owner of a vessel rendering salvage services from that vessel and the salvor or salvors operating from such vessel and any person for whose act, neglect or default he or they are responsible; or
- (c) against the salvor or salvors who are not operating from an inland navigation vessel or a seagoing ship or who are operating solely on the vessel to which the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

2.

- (a) When, in conformity with article 6, paragraph 1 (a) (iv) , the amount of liability for a pusher which, at the time when the damage was caused, was coupled to barges in a pushed train, is increased in respect of claims arising out of the occurrence by 200 units of account per tonne deadweight of the pushed barges, the amount of liability of each of the barges is reduced, in respect of claims arising out of this occurrence, by 200 units of account for each tonne deadweight of the pushed barge.**
- (b) When, in conformity with article 6, paragraph 1 (a) (v), the amount of liability for a vessel equipped with mechanical means of propulsion which, at the time when the damage was caused, was providing propulsion for other vessels coupled to it, is increased in respect of claims arising out of the occurrence by 200 units of account per tonne deadweight or cubic metre of displacement of the coupled vessels, the amount of liability for each coupled vessel shall be reduced, in respect of claims arising out of the said occurrence, by 200 units of account for each tonne deadweight or each cubic metre of displacement of the coupled vessel.**

3. The limits of liability determined in accordance with article 7 shall apply to the aggregate of all claims arising from the occurrence against the person or persons mentioned in article 1, paragraph 2 (a), in respect of the vessel referred to in article 7 and any person for whose act, neglect or default he or they are responsible.

Article 10
Limitation of liability without constitution of a limitation fund

1. Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in article 11 has not been constituted. However, a State Party may provide in its national law that, where an action is brought in its courts to enforce a claim subject to limitation, a person liable may only invoke the right to limit liability if a limitation fund has been constituted in accordance with the provisions of this Convention or is constituted when the right to limit liability is invoked.

2. If limitation of liability is invoked without the constitution of a limitation fund, the provisions of article 12 shall apply.

3. Questions of procedure arising under the rules of this article shall be decided in accordance with the national law of the State Party in which action is brought.

3. For the upper limits of liability calculated in accordance with Article 7, paragraphs 1 and 2 shall apply correspondingly, however, regarding paragraph 2, to the extent that instead of 200 units of account 400 units of account shall be used as a basis.

4. The limits of liability calculated in accordance with Article 8 shall apply to the aggregate of all claims arising from the occurrence against the person or persons mentioned in Article 1, paragraph 2 (a), in respect of the vessel referred to in Article 8 and any person for whose act, neglect or default he or they are responsible.

Article 11
Limitation of liability without constitution of a limitation fund

1. Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in **Article 12** has not been constituted. However, a State Party may provide in its national law that, where an action is brought in its courts to enforce a claim subject to limitation, a person liable may only invoke the right to limit liability if a limitation fund has been constituted in accordance with the provisions of this Convention or is constituted when the right to limit liability is invoked.

2. If limitation of liability is invoked without the constitution of a limitation fund, the provisions of **Article 13** shall apply.

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**CHAPTER III
The limitation fund**

**Article 11
Constitution of the fund**

1. Any person alleged to be liable may constitute a fund with the competent court or other competent authority in any State Party in which legal proceedings are instituted in respect of a claim subject to limitation, or, if no legal proceedings are instituted, with the competent court or other competent authority in any State Party in which legal proceedings may be instituted for a claim subject to limitation. The fund must be constituted in the sum of such of the amounts set out in articles 6 and 7 as are applicable to claims for which the person constituting the fund may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the Constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

2. A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the court or other competent authority.

3. A fund constituted by one of the persons mentioned in article 9, paragraph 1 (a), (b) or (c) or paragraph 3, or his insurer shall be deemed constituted by all persons mentioned in article 9, paragraph 1 (a), (b) or (c) or paragraph 3.

**Article 12
Distribution of the fund**

1. Subject to the provisions of article 6, paragraphs 1 and 2 of article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.

2. If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

**CHAPTER III
The limitation fund**

**Article 12
Constitution of the fund**

1. Any person alleged to be liable may constitute one or more funds with the competent court or other competent authority in any State Party in which legal proceedings are instituted in respect of a claim subject to limitation, or, if no legal proceedings are instituted, with the competent court or other competent authority in any State Party in which legal proceedings may be instituted for a claim subject to limitation. Each fund must be constituted in the sum of such of the amount calculated in accordance with Articles 6 to 8 as are applicable to claims for which the person constituting the fund(s) may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the Constitution of the fund. A fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

2. A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the court or other competent authority.

3. A fund constituted by one of the persons mentioned in **Article 10**, paragraph 1 (a), (b) or (c) or paragraph 4, or his insurer shall be deemed constituted by all persons mentioned in **Article 10**, paragraph 1 (a), (b) or (c) or **paragraph 4**.

**Article 13
Distribution of the fund**

1. Subject to the provisions of article 6, paragraphs 1, and 2 **as well** as of articles 7 **and 8** the fund shall be distributed among the claimants in proportion to their established claims against the fund.

2. If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

3. The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those mentioned above in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.

4. Where the person liable or any other person establishes that he may be compelled to pay, at a later date, any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs, 2 and 3 had the compensation been paid before the fund was distributed, the court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

Article 13 Bar to other actions

1. Where a limitation fund has been constituted in accordance with article 11, any person having made a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.

2. After a limitation fund has been constituted in accordance with article 11, any vessel or other property belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, shall be released by order of the court or other competent authority of such State.

3. The rules of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the fund before the court administering that fund and the fund is actually available and freely transferable in respect of that claim.

Article 14 Governing law

Subject to the provisions of this chapter the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connection therewith, shall be governed by the law of the State Party in which the fund is constituted.

3. The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those mentioned above in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.

4. Where the person liable or any other person establishes that he may be compelled to pay, at a later date, any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs, 2 and 3 had the compensation been paid before the fund was distributed, the court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

Article 14 Effects of the constitution of the fund

1. **Where a fund has been constituted in accordance with Article 12, any person entitled to make¹ a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.**

2. After a fund has been constituted in accordance with **Article 12**, any vessel or other property belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, shall be released by order of the court or other competent authority of such State.

3. The **provisions** of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the fund before the court administering that fund and the fund is actually available and freely transferable in respect of that claim.

Deleted

¹ The Dutch, French and Luxembourg delegations oppose this wording, and wish to retain the wording in the current CLNI, i.e. "having made a claim".

**CHAPTER IV
Scope of application**

Article 15

1. This Convention shall apply to the limitation of liability of the owner of a vessel or a salvor when, at the time of the occurrence giving rise to the claims:

- (a) the vessel has sailed on one of the waterways subject to the regime of the Revised Convention relating to the Navigation of the Rhine of 17 October 1863 or of the Convention of 27 October 1956 concerning the canalization of the Moselle, or
- (b) salvage services have been furnished along one of the said waterways to a vessel in danger or the cargo of such a vessel, or
- (c) a vessel sunk, wrecked, stranded or abandoned along one of the said waterways or the cargo of such a vessel has been raised, removed, destroyed or rendered harmless.

This Convention shall also apply to the limitation of liability of a salvor furnishing assistance services from an inland navigation vessel to a sea-going, vessel in danger along one of the said waterways or the cargo of such a vessel.

2. Any State may, at the time of signature, ratification, acceptance, approval or accession or at any subsequent time declare by means of a notification addressed to the depositary that this Convention shall also apply to waterways other than those mentioned in paragraph 1, provided that they are situated on the territory of that State. This Convention, shall take effect, for the waterways mentioned in the notification, on the first day of the month following the expiry of a period of three months following the receipt of the notification or, if this Convention has not yet entered into force, on its entry into force.

**CHAPTER IV
Scope of application**

Article 15

1. This Convention shall apply to the limitation of the liability of the owner of a vessel or a salvor in its version in force at the time of the incident giving rise to the claims and if at the time of this incident this person claims before the courts of one of the contracting States a limitation of his/her liability or requests the lifting of a sequester in respect of a vessel or other item of property, or the release of a guarantee given within the national territory of a contracting State and:

- (a) the vessel is on a waterway located on the territory of a Contracting State,**
- (b) salvage services have been furnished along one of the said waterways to a vessel in danger or to the cargo of such a vessel, or
- (c) a vessel sunk, wrecked, stranded or abandoned along one of the said waterways or the cargo of such a vessel has been raised, removed, destroyed or rendered harmless.

This Convention shall also apply to the limitation of liability of a salvor furnishing assistance services from an inland navigation vessel to a sea-going vessel in danger along one of the said waterways or to the cargo of such a vessel.

2. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any subsequent time, exclude application of this Convention by sending a declaration to the Depositary, in cases where the waterway referred to in paragraph 1:

- a) is a waterway situated within its national territory, and**
- b) the waterway is not listed in Annex 1 of the European Agreement on Main Inland Waterways of International Importance (AGN).**

The waterway to be excluded must be clearly specified in the declaration.

3. Any State which has made a declaration under paragraph 2 may withdraw it at any time by means of a notification addressed to the depositary. The withdrawal shall take effect on the first day of the month following the expiry of a period of one year as from the date on which the notification is received or on the expiry of any longer period which may be specified in the declaration.

**CHAPTER V
Final clauses**

**Article 16
Signature, ratification and accession**

1. This Convention shall be open for signature by all States Parties to the Revised Convention relating to the Navigation of the Rhine of 17 October 1868 and by the Grand Duchy of Luxembourg from 4 November 1988 to 4 November 1989 at the headquarters of the Central Commission for the Navigation of the Rhine at Strasbourg and shall thereafter remain open for accession.

2. This Convention shall be subject to the ratification, acceptance or approval of the States which have signed it.

3. The exclusion shall take effect on the first day of the month following the expiry of a period of three months following notification of the declaration referred to in paragraph 2 or, if this Convention has not yet entered into force, on its entry into force. This Convention shall not apply to claims arising from an incident occurring while the vessel was using an excluded waterway. Exclusion shall not apply in respect of incidents occurring before the declaration takes effect.

4. A State which has made a declaration under paragraph 2 may withdraw it at any time by means of a declaration of withdrawal notified to the Depositary. The withdrawal shall take effect three months as from the date of the notification of the declaration of withdrawal or on any subsequent date specified in the declaration of withdrawal. Withdrawal shall not have any effect on the limitation of liability in respect of claims arising from an incident occurring before the withdrawal takes effect.

**Chapter V
Final clauses**

**Article 16
Signature, ratification and accession**

1. This Convention shall be open for signature by any State at the Strasbourg headquarters of the Central Commission for the Navigation of the Rhine from ... to

2. The States may express their consent to be bound by this Convention by:

- a) signature without reservation as to ratification, acceptance or approval, or
- b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval, or
- c) accession.

3. States other than those mentioned in paragraph 1 which have a direct navigable link with the waterways mentioned in article 15, paragraph 1, may, by a unanimous decision of the States in respect of which this Convention has come into force, be invited to accede to it. The depositary shall convene a meeting of the States mentioned in the first sentence to express their views on the decision to issue such an invitation. The decision shall incorporate the adaptations to this Convention which are necessary in the event of the accession of the State to be invited, particularly in respect of the conversion of the liability values into the national currency of a State which is not a member, of the International Monetary Fund. The decision shall enter into force when all the States Parties to this Convention mentioned in the first sentence have notified the Secretary-General of the Central Commission for the Navigation of the Rhine of their acceptance of the decision. Any State so invited may accede to the Convention as amended by the decision.

4. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument with the Secretary-General of the Central Commission for the Navigation of the Rhine.

Article 17
Entry into force

1. This Convention shall enter into force on the first day of the month following the expiry of a period of three months as from the date on which three of the States mentioned in article 16, paragraph 1 deposit the instrument of ratification, acceptance, approval or accession.

2. For a State which deposits an instrument of ratification, acceptance, approval or accession after the conditions governing the entry into force of this Convention have been met, the Convention shall enter into force on the first day of the month following the expiry of a period of three months as from the date on which that State deposits its instrument.

Deleted

3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument with the Secretary General of the Central Commission for the Navigation of the Rhine.

Article 17
Entry in force

1. This Convention shall enter into force on the first day of the month following the expiry of a period of one year as from the date on which four States have deposited their instruments of ratification, acceptance, approval or accession, or on the date on which the Strasbourg Convention on the limitation of liability of owners of inland navigation vessels (CLNI) ceases to be in force, whichever date is the later.

2. A State that ratifies, accepts, approves or accedes to this Convention and is a Contracting Party to the CLNI shall denounce the latter.

3. For a State which deposits an instrument of ratification, acceptance, approval or accession after the conditions governing the entry into force of this Convention have been met, the Convention shall enter into force on the first day of the month following the expiry of a period of three months as from the date on which that State deposited its instrument. By way of derogation from the first sentence, the Convention shall enter into force in that State on the day on which the Convention enters into force in accordance with paragraph 1 if the instrument of ratification, acceptance, approval or accession has been deposited at least three months before the entry into force of the Convention in accordance with paragraph 1.

**Article 18
Reservations**

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, and, for a reservation under (b) , at any subsequent time, reserve the right to exclude the application of the rules of this Convention in their entirety or in part:

- (a) to claims for damage due to a change in the physical, chemical or biological quality .of the water;
- (b) to claims for damage caused by dangerous goods during their carriage, in so far as such claims are governed by an international convention or a domestic law which excludes the limitation of liability or sets limits of liability higher than provided for in this Convention;
- (c) o claims mentioned in article 2, paragraph 1 (d) and (e);
- (d) to sport and pleasure craft and to vessels not used in navigation for profit;
- (e) to lighters exclusively used in ports for transshipments.

2. Any State may, at the time of signature, ratification, acceptance, approval or accession, declare that it will not apply to claims resulting from an occurrence on its waterways the maximum limits of liability provided for in article 7, paragraph 1, second sentence, (a) and (b).

3. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

4. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the depositary. The withdrawal shall take effect on the date the notification is received or on a later date specified therein.

**Article 18
Reservations**

1. Any State may, at the time of signature ratification, acceptance, approval or accession and at any subsequent time, reserve the right to exclude the application of the rules of this Convention in their entirety or in part:

- (a) to claims for damage due to a change in the physical, chemical or biological quality .of the water;
- (b) to claims mentioned in Article 7, insofar as they are governed by an international convention or domestic regulations excluding the limitation of liability or setting limits of liability higher than provided for in this Convention;**
- (c) to claims mentioned in Article 2 paragraph 1 (d) and (e) of this Convention;
- (d) to lighters exclusively used in ports for transshipments.**

Deleted

2. Any State that avails itself of the option provided for in paragraph 1(b) must notify the Depositary of the amounts of the limits of liability that have been adopted or of the fact that there is no such limit of liability.

3. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

4. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Depositary. The withdrawal shall take effect on the date the notification is received or on a later date specified therein.

5. Reservations other than those provided for in this Convention shall not be admissible.

**Article 19
Denunciation**

1. This Convention may be denounced by any of the States Parties by a notification addressed to the depositary, at any time after one year from the date on which the Convention entered into force for that Party.
2. Denunciation shall take effect on the first day of the month following the expiry of a period of one year from the date on which the notification is received or after such longer period as may be specified therein.

**Article 19
Denunciation**

1. This Convention may be denounced by any of the States Parties by a notification addressed to the Depositary, at any time after one year from the date on which the Convention entered into force for that Party.
2. **Without prejudice to Article 20 paragraph 3 and 21 paragraph 8, the denunciation shall take effect on the first day of the month following the expiry of a period of six months from the date on which the notification is received or after such longer period as may be specified therein.**

**Article 20
Simplified review of limits**

1. The limits of liability prescribed in Articles 6 to 8 and 10 shall be reviewed by the Depositary at five-year intervals, the first such review to take place on [the last day of the year five years after adoption of the Convention], by reference to an inflation factor which corresponds to the accumulated rate of inflation since the date of the last notification referred to in paragraph 2 below of a review resulting in an amendment of the limits of liability or, on the occasion of the first review, since the date of reentry into force of the Convention. The measure of the rate of inflation to be used in determining the inflation factor shall be the weighted average of the annual rates of increase or decrease in the Consumer Price Indices of the States whose currencies comprise the Special Drawing Right mentioned in paragraph 1 of Article 9.
2. If the review referred to in paragraph 1 above concludes that the inflation factor has exceeded 10%, the Depositary shall notify all the Contracting States of (a revision of the limits of liability) the amended amounts of the limits calculated on the basis of the inflation factor. The amended amounts of the limits shall be deemed adopted on expiry of a period of one year from the date of notification unless, within this period, one third of the Contracting States have notified the Depositary by means of a declaration of their refusal to accept the revised limits.
3. An amendment deemed adopted by virtue of paragraph 2 above shall enter into force nine months after its adoption for all the States party to this Convention on that date, unless they denounce the Convention by virtue of paragraph 1 of Article 19 no later than three months before the revised limits are to enter into force. The denunciation shall be effective from the date on which the revised amounts become effective. The revised limits shall be binding on any State becoming a party to this Convention after adoption of the revision. The amended amounts shall however only apply to claims arising from an incident that occurred after the amendment entered into force.

Article 20
Revision of the limitation amounts

1. At the request of a State Party to this Convention, the depositary shall convene a Conference of all the Contracting States to discuss the revision of the limitation amounts provided for in articles 6 and 7 or the replacement of the unit of account mentioned in article 8 of this Convention.

2. During the discussion of the revision of the limitation amounts provided for in articles 6 and 7, account shall be taken of experience acquired as regards occurrences for which claims may be made and, in particular, the amount of the damages resulting from them, fluctuations in the value of currencies and the impact of the proposed amendment on the cost of insurance.

3.

(a) No amendment intended to modify limitation amounts under this article may be considered until the expiry of a period of five years as from the date on which this Convention was opened for signature or a period of five years as from the date of entry into force of a previous, amendment adopted under this article.

(b) No limit may be increased in such a way as to exceed an amount corresponding to the limit established by this Convention increased by 6% per year in compound interest, as from the date on which this Convention was opened for signature.

(c) No limit may be increased in such a way as to exceed an amount corresponding to three times the limit established by this Convention.

4. Without prejudice to paragraph 1 above, the procedure referred to in paragraph 2 above may be applied at any time at the request of one third of the Contracting States if, since the previous review or, if there has been no such review, since the date of entry into force of this Convention, the inflation factor referred to in paragraph 1 above is greater than 5%. Subsequent reviews carried out in accordance with the procedure described in paragraph 1 above shall be made every five years, the first such review to take place at the end of the fifth year following a review carried out by virtue of the present paragraph.

Article 21
Meeting for increasing the amounts of the limits

1. At the request of one third of the Contracting Parties, and without prejudice to Article 20, the Depositary shall convene a conference of all the Contracting States to deliberate on the increase in the amounts of the limits provided for in Articles 6 to 8 and 10. The conference shall be convened at the earliest six months after the day on which the request was transmitted.

2. During discussion on the increase in the amounts of the limits provided for in Articles 6 to 8 and 10, the conference shall take account of the lessons drawn from the events having led to damage and in particular the amount of damage resulting therefrom and the effect of the proposed increase on the cost of insurance.

3. There shall be no discussion on any amendment to the amounts made under this Article until at least five years after the entry into force of a previous amendment adopted by virtue of this Article or Article 20.

4. The amount resulting from the increase, in accordance with this provision, may not exceed three times the amount laid down in this Convention.

5. Any discussion on increasing the amounts of the limits in accordance with this Article shall cease on the launch of a review provided for in Article 20 paragraph 1. Discussion shall resume if one third of the Contracting Parties so request after an amendment takes effect in accordance with Article 20 paragraph 2.

4. Any decision to revise the limitation amounts provided for in articles 6 and 7 or to replace the unit of account mentioned in article 8 shall be taken by a two-thirds majority of the Contracting States present and voting, which also includes a two-thirds majority of the States mentioned in article 16, paragraph 1, for which this Convention has entered into force.

5. The depositary shall notify, all the Contracting States of the amendments decided upon in conformity with paragraph 2. The amendment shall be deemed to have been accepted following the expiry of a period of six months as from the date of the notification, unless within such period a third of the Contracting States have notified the depositary of their refusal to accept this amendment.

6. An amendment deemed to have been accepted in conformity with paragraph 5 shall enter into force 18 months after its acceptance, for all States which at that time are Parties to this Convention, unless they denounce this Convention, in conformity with article 19, paragraph 1 at least six months before this amendment enters into force. This denunciation shall take effect when the said amendment comes into force. The amendment shall be binding on any State becoming a Party to this Convention after the date mentioned in the first sentence.

**Article 21
Depositary**

1. This Convention shall be deposited with the Secretary-General of the Central Commission for the Navigation of the Rhine.

2. The Secretary-General of the Central Commission for the Navigation of the Rhine shall:

- (a) transmit certified true copies of this Convention to all the States mentioned in article 16, paragraph 1, and to all other States which accede to this Convention;
- (b) inform all States which have signed or acceded to this Convention of :
 - (i) each new signature and each deposit of an instrument and any declaration or reservation thereto together with the date thereof;

6. **The decision to increase the amounts provided for in Articles 6 to 8 and 10 shall be made by a two-thirds majority of the Contracting States present and voting.**

7. **The Depositary shall notify all the Contracting States of any increase decided on by virtue of paragraph 6. The increase is deemed applicable on expiry of a period of twelve months from the date of notification unless, within this period, one third of the Contracting States notify the Depositary of their refusal to accept the increase.**

8. **An increase deemed adopted by virtue of paragraph 7 shall enter into force nine months after its adoption by all the States party to this Convention on that date, unless they denounce the Convention no later than three months before the date on which the increase enters into force. The denunciation shall be effective from the date on which the increased amount become effective. The increase shall be binding on all States which become party to this Convention after the date indicated in paragraph 1. The amended amounts shall however only apply to claims arising from an incident that occurred after the amendment entered into force.**

**Article 22
Depositary**

1. **This Convention shall be deposited with the Secretary General of the Central Commission for the Navigation of the Rhine and administered by him.**

2. The Secretary General of the Central Commission for the Navigation of the Rhine shall:

- (a) transmit certified true copies of this Convention to all Signatories and all other States that accede to this Convention;**
- (b) inform all States which have signed or acceded to this Convention of:
 - (i) each new signature and each deposit of an instrument and any declaration or reservation thereto together with the date thereof;

- (ii) the date of entry into force of this Convention;
- (iii) any denunciation of this Convention and the date on which it takes effect;
- (iv) any amendment deemed to have been accepted under article 20, paragraph 5, and the date on which the amendment enters into force, in conformity with article 20, paragraph 6;
- (v) any decision whereby a State is invited to accede under the first sentence of article 16, paragraph 3 and the date of entry into force of the decision;
- (vi) any communication called for by any provision of this Convention.

**Article 22
Languages**

This Convention is established in a single original in the Dutch, French and German languages, each text being equally authentic.

In witness whereof the undersigned, duly authorised for the purpose by their respective Governments, affix their signature to this Protocol

Done in Strasbourg on 4 November 1988

- (ii) the date of entry into force of this Convention;
- (iii) any denunciation of this Convention and the date on which it takes effect;
- (iv) the date of the coming into force of any amendment of the limits of liability in accordance with Article 20 paragraph 3 or an increase in the amounts in accordance with Article 21 paragraph 8;**

Deleted

- (v) any declaration called for by any provision of this Convention.**

**Article 23
Languages**

This Convention is established in a single original in the Dutch, **English**, French and German languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned, duly authorised for the purpose by their respective Governments, affix their signature to this Convention

Done in Strasbourg on 2012