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Conclusion by the Diplomatic Conference of the CCNR of the Strasbourg Convention of 2012 on the Limitation of Liability in Inland Navigation (CLNI 2012)

On 27 September 2012, a Diplomatic Conference convened by the Central Commission for the Navigation of the Rhine (CCNR) on the revision of the Strasbourg Convention on the Limitation of Liability in Inland Navigation (CLNI) concluded the Strasbourg Convention of 2012 on the Limitation of Liability in Inland Navigation (CLNI 2012).

The purpose of the revision is to improve the legal security of international river transport and to ensure adequate compensation for parties suffering some prejudice.

The CLNI 2012:

- **extends the scope of application of the limitations on liability to river transport on other major waterways, including the Danube, the Elbe, the Oder and the Save, whereas they have previously generally been limited to river transport on the Rhine and its tributaries, and**
- **increases the limits of liability, also thereby increasing the protection afforded to passengers carried by river navigation.**

BACKGROUND

The Diplomatic Conference was held on the initiative of the Central Commission for the Navigation of the Rhine (CCNR). It was attended by representatives from 13 countries, including not only the Rhine and Moselle States (Germany, Belgium, France, Luxembourg, Netherlands and Switzerland) but also Austria, Bulgaria, Poland, Serbia and Slovakia. Hungary and the Czech Republic also attended as observers, as did a number of international non-governmental organisations representing the interests of inland navigation from the viewpoint of the social partners (ETF, EBU-UENF), insurance companies (IVR), and trade (UECC). The President of the Diplomatic Conference was Ms Beate Czerwenka (Germany).

PRESENTATION OF THE STRASBOURG CONVENTION OF 2012

The Strasbourg Convention on the Limitation of Liability in Inland Navigation (CLNI) takes as its model the Convention on Limitation of Liability for Maritime Claims (LLMC). It enables the owners of vessels and their assistants to limit their liability by constituting a fund, the amount of which is determined in accordance with the provisions of the CLNI. The amount deposited in the fund constituted the limit of the amount of the compensation that could be claimed from the owner for all the prejudice caused by a navigation incident, on condition that the damage in question was not caused by personal fault on the part of the owner. The amount deposited in the fund is high, and does not limit the compensation payable by the owner except in the case of large-scale damage. The mechanism makes it possible to better foresee the scale of liability and helps the insurance market offer products suited to the risks and to the inland navigation market without such cover representing an excessive burden on the companies concerned.

The original CLNI was adopted in 1988, and entered into force in 1997. At that time it was only open to the States bordering the Rhine and the Moselle, which have similar legal traditions. In 2007, the States signatory to the CLNI decided to launch the revision of the Convention, with the two-fold aim of both opening up access to other States and updating the amounts for limitation of liability that were agreed more than twenty years ago.

1. An instrument open to any interested State

The CLNI 2012 is open to any interested State. It will therefore cease to be applicable on the Rhine and the Moselle alone, and will henceforth apply on all the major waterways of Europe, including the Danube, the Elbe, the Oder and the Save. Only those waterways of no importance for international transport may be excluded by the party States from the scope of application of the Convention.

2. Substantially increased amounts for liability

A second major area of discussion involved the upgrading of the amounts for limitation, taking account more particularly of inflation and increases applied in maritime circles. The global amounts for liability provided for in the Convention have therefore been increased, particularly with regard to injuries sustained by passengers. The general limits have been doubled and may not be less than SDR 400 000 in respect of claims in the event of death or physical injury or SDR 200 000 for any other claims.

The new Convention also introduces a specific limit for compensation for damage resulting from the carriage of dangerous goods. This limit amounts to twice the general limits, with a minimum of SDR 10 million for both claims in the event of death or physical injury and any other claims. The fund to be constituted for the compensation of damage caused to passengers amounts to SDR 100 000 multiplied by the number of passengers that the vessel is authorised to carry or, if the number of passengers that the vessel is authorised to carry is not prescribed, the number of passengers actually carried at the time the incident occurs. This amount may not under any circumstances be less than SDR 200 000. The Special Drawing Right (SDR) is a unit of account defined by the International Monetary Fund; its daily value in euros can be found on the IMF's Internet site at <http://www.imf.org>.

The Convention has been deposited with the Secretary General of the CCNR. It will be open for signature by all the States, at CCNR headquarters, from 27 September 2012 to 26 September 2014.

Three States – Belgium, France and Luxembourg, signed the Convention at the close of the Diplomatic Conference.

The adoption of the Strasbourg Convention of 2012 is a great satisfaction for all the parties that have been involved in the project during the past five years. The CCNR welcomes the commitment demonstrated by all the participants at the Conference; their exchanges and feedback have been a valuable addition to its work. The Secretary General of the CCNR has again been appointed as Depositary of the CLNI 2012. Its application depends henceforth on ratification by at least four States and the extinction of the 1988 Strasbourg Convention.

About the CCNR (www.ccr-zkr.org)

The CCNR is an international organisation that exercises a regulatory role of crucial importance for the navigation of the Rhine. It is active in the technical, legal, economic and environmental fields. In all its areas of activity, the principles guiding its work are the efficiency of transport on the Rhine, safety, and respect for the environment. These areas of activity currently cover a large part of the navigable waterways of Europe.

Contact

CCNR Secretariat

Cécile Tournaye, Principal Administrator with responsibility for legal matters

Tel.: +33 (0)3 88 52 52 74 / C.Tournaye@ccr-zkr.org