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**CENTRAL COMMISSION FOR THE NAVIGATION OF THE RHINE**

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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)

**Examination of the draft revised Strasbourg Convention on the Limitation of Liability  
in Inland Navigation  
(CLNI 2012)**

Communication from the Hungarian delegation

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Your Excellency,

Please, hereby find attached the remarks of Hungary as regards to the draft Revised Strasbourg Convention on the Limitation of Liability of Owners of Inland Navigation Vessels (CLNI 2012). Concerning the new draft of the Convention (CLNI/EG (12) 8) we would like to express the forthcoming:

1) General remarks

- The text of the Convention contains the word "*limits*" but we can find the word "*amount*" in it as well. It is confusing, moreover the word "*limits*" is a more appropriate expression, and therefore we suggest the consequent use of the word "*limits*". From the perspective of this Convention it is crucial to use the word "*limits*". We suggest checking the following Articles: Article 6, Article 7, Article 8, Article 9, Article 12, Article 13, Article 18, Article 20, Article 21, Article 22.

2) Remarks related to specific Articles

- In the **introductory** part we can read the following:

*"CONVINCED of the usefulness of harmonising the ~~law~~ rules applicable to the limitation of liability in inland navigation on all inland waterways".*

The word "*law*" should be changed to "*rules*" as the Convention does not regulate the applicable law. The expression "*rules of this Convention*" is used through the text of the Convention, e.g. in Article 1.

We suggest adding the following paragraph in **Article 2**:

3. Claims are subject to the limits which are valid at the time when damage was caused.

**in our opinion this extra paragraph is of high importance.** In case of a claim settlement lasting for a long time period the limits can change in the meantime.

In **Article 3 point a)** we suggest the following wording changes (splitting point a) into two points as the two exceptions are referring to two different categories of possible claims):

*"(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.*

*(b) ~~or to~~ claims for contributions in general average;"*

In **Article 7** we suggest proper numeration for the paragraphs.

Concerning **Article 12** we would suggest clarifying the following:

- 1) If the damage caused is higher than the amount of the limit we suggest the clarification whether the claims should be settled proportionally or in order of their acceptance.
- 2) Moreover we suggest clarifying the method how the late enforcement of claims is working if the claims are not lapsed.

**Article 15 paragraph (1) a)** can be completed as follows:

*"(a) the vessel is on a waterway located on the territory of a Contracting State taking into consideration the excluded waterways according to paragraph 3".*

As regard to **each article** of the draft, we suggest keeping the limits of liability of the present CLNI text.

We think that the limits of liability are only favourable for large shipping associations and not for the smaller ones. These small shipping associations are operating in inland waterways, they are responsible for the local traffic. The high limits of liability can seriously jeopardize the functioning of these small associations, we think their interests shall be equally considered. Furthermore in Article 7 ("The limits for passenger claims", in the new draft of CLNI it is Article 8) we suggest keeping the differentiation made between the capacity of vessels with the relevant maximum limits

(e.g. "3 million units of account for vessels with an authorized passenger transport capacity of not more than 100" etc). This is a crucial condition for us to join the CLNI.

Thank you for your kind assistance with this issue.

Yours sincerely'

dr. Pál Völner Minister of State for  
Infrastructure