
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 Serbian delegation

Regarding the proposal submitted by the Hungarian side for replacement of the word "law" with the word "rules" in the **preamble** of the Draft Strasbourg Convention, the delegation of the Republic of Serbia will not support the above proposal because justified and appropriate use of the word "law" in the Draft Strasbourg Convention.

Regarding the proposal submitted by the French and the Dutch side for adding the following words: "all inland stretches of water," after the word "waterway" in **Article 1 Paragraph 2 Item e)**, the delegation of the Republic of Serbia will not support the above proposal having in mind that this phrase does not have any particular meaning in the Serbian language, but will support the use of the plural in relation to the word "lake".

Regarding the proposal submitted by the French side for the use of the word "weirs" in **Article 1 and Article 6** Draft Strasbourg Convention, the delegation of the Republic of Serbia will not support the above proposal since there is no need for the use of the above term, because if the weir does not have a lock, it will not be covered by the Draft Strasbourg Convention.

Regarding the proposal submitted by the Hungarian side for adding a new paragraph in the **Article 2** of the Draft Strasbourg Convention as follows "3. Claims are subject to the limits which are valid at the time when damage was caused.", the delegation of the Republic of Serbia will support this proposal.

Regarding the proposal submitted by the Hungarian side in **Article 3 a)** of the Draft Strasbourg Convention for splitting point a) into two points, the delegation of the Republic of Serbia will not support the proposal.

Regarding the proposal submitted by the Dutch delegation that in **Article 3 Paragraph 1** of the Draft Strasbourg Convention instead of referring to the International Convention on Salvage, 1989, be used the wording used in the 1999 International Convention on Arrest of which is read as follows "including, if applicable, special compensation relating to salvage operations in respect of a ship which by itself or its cargo threatened damage to the environment," the delegation of the Republic of Serbia will support the above proposal.

Regarding the proposal submitted by the French side for deleting the words "**in Article 7,**" in **Article 6 Paragraph 1** of the Draft Strasbourg Convention, the delegation of the Republic of Serbia will be restrained.

Regarding the proposal for deleting the words "Notwithstanding the **Article 6,**" in the **Article 7 Paragraph 1** of the Draft Strasbourg Convention which was submitted by the Dutch side, the delegation of the Republic of Serbia will not support, but will support the proposal of the French side to retain the respective words with the aim of accuracy of the Draft Strasbourg Convention.

Regarding the proposal submitted by the French side for adding a new paragraph in the **Article 7** of the Draft Strasbourg Convention, which reads as follows: "A separate limitation fund may be constituted in accordance with Article 12 for damage caused by the transport of dangerous goods", the delegation of the Republic of Serbia will support the above proposal.

The proposal submitted by the Hungarian side regarding a proper numeration for the paragraphs in the **Article 7** of the Draft Strasbourg Convention, the delegation of the Republic of Serbia will not support this proposal.

Regarding the proposal submitted by the French and Dutch side for deleting the words "in its version in force at the time of the incident giving rise to the claims" the in **Article 15 Paragraph 1** of the Draft Strasbourg Convention, the delegation of the Republic of Serbia will support the above proposal.

Regarding the Hungarian proposal for completion of the **Article 15 Paragraph 1** of the Draft Strasbourg Convention, the delegation of the Republic of Serbia will not support this proposal.

The proposal submitted by the Dutch and French side for deleting the sentence "The amended amounts shall however only apply to claims arising from an incident that occurred after the amendment entered into force" from **Article 20 Paragraph 3 and Article 21 Paragraph 8** of the Draft Strasbourg Convention, and its relocation to the **Article 15 Paragraph 1** of the Draft Strasbourg Convention, the delegation of the Republic of Serbia will support the above proposal.

The proposal submitted by the Dutch and French sides for the replacement of the sentence in the brackets which reads as follows: " the last day of the year five years after adoption of the Convention" with the date "31 December 2017" in the **Article 20, paragraph 1** of the Draft Strasbourg Convention, delegation of the Republic of Serbia will not support the above proposal since the general wording is much more acceptable having in mind that there is no guarantee that 31 December 2012 will be a date of adoption of the Strasbourg Convention.

Regarding the proposal submitted by the Dutch side for replacement of the sentence in the **Article 20 Paragraph 3 and Article 21 Paragraph 8** of the Draft Strasbourg Convention which reads as follows: "The revised limits shall be binding on any State becoming a party to this Convention after adoption of the revision" with sentence which reads as follows "Any State that becomes a Party to this Convention after revised limits have been adopted shall be bound by them from the date indicated in the first sentence.", the delegation of the Republic of Serbia will not support since the first formulation is much more justified and appropriate.

Regarding the proposal submitted by the Dutch side for replacement of the word "increase" with the word "change" in **Article 21 and 22 Paragraph 2 b) sub-paragraph (iv)** of the Draft Strasbourg Convention, the delegation of the Republic of Serbia will not support this proposal having in mind that other international instruments governing the limitation of liability in maritime law uses the word "increase".

Regarding the proposal submitted by the French side that any change made under **Article 21** of the Draft Strasbourg Convention be adopted unanimously rather than by a two-thirds majority, the delegation of the Republic of Serbia will support the above proposal.
