

# CLNI 2012

## Strasbourg Convention of 2012 on the Limitation of Liability in Inland Navigation : What has changed?

### Change in content of Convention (material rules)

#### Extend scope of application

Art. 1 (1) (a)  
The Convention shall apply to Motor Vessels having specified a liability fund on the board of the Vessel.

Art. 1 (1) (b)  
Any State may, in whole or in part, exclude the Convention from its application to its territory.

Art. 1 (2)  
Liability shall be limited in the cases of negligent or culpable negligence.

Art. 1 (3)  
Liability shall be limited in the cases of negligent or culpable negligence.

#### Raise amounts of liability

Three funds provided in the CLNI 2012

Damage to infrastructure, environment ...	Death and bodily injury	Material damage to another boat
Art. 1 (1) (a) National liability scheme Limited compensation or net Compulsory insurance or net	Art. 1 (1) (b) National liability scheme Limited compensation or net Compulsory insurance or net	Art. 1 (1) (c) National liability scheme Limited compensation or net Compulsory insurance or net



### Change in context of Convention: Effectiveness (procedural rules)

#### Better concentration of claims to the fund

Within CLNI 2012 all claims canalized to the funds (article 1461)  
Any vessel of other property belonging to owner shall be released (art. 1462)

#### Further enhanced by virtue of EU REG 44/2001 (Brussels I)

CLNI 1988  
Liability of the vessel owner for damage to infrastructure, environment ...

CLNI 2012  
Liability of the vessel owner for damage to infrastructure, environment ...

CLNI 1988  
Liability of the vessel owner for damage to infrastructure, environment ...

# **CLNI 1988**

- **Signed on 4 NOV 1988 by 6 States: CH, F, G, LX, B, NL**
- **Entry in force on 1 SEPT 1997**
- **4 Contracting States: CH, D, LX, NL**



# **CLNI 2012**

- **Diplomatic conference in  
Strasbourg 25-27 September 2012**
- **13 States participated**
- **11 States signed the final Act**
- **5 States have signed the  
Convention**

# **Entry in force**

**3 State parties to CLNI 1988  
ratify CLNI 2012**

**+**

**4 States ratify**

**Entry in force one year later**



# CLNI objective: Harmonization of global limits of liability

Damage to infrastructure, environment ...



- National liability scheme
- Limited compensation or not
- Compulsory insurance or not

...

Death and bodily injury



- National liability scheme
- Limited compensation or not
- Compulsory insurance or not

...

Material damage to another boat



- National liability scheme
- Limited compensation or not
- Compulsory insurance or not

...





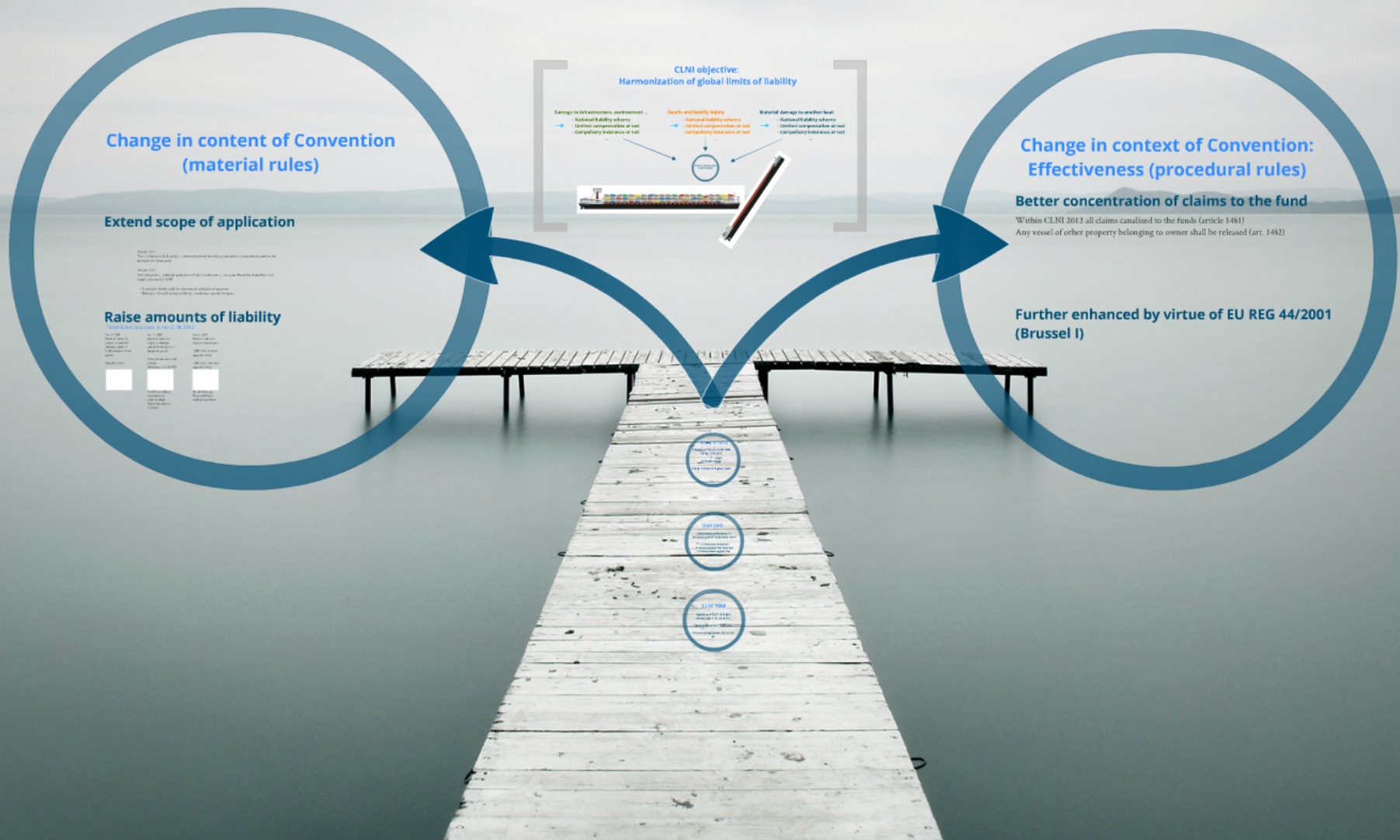
**FUND TO LIMIT GLOBAL  
COMPENSATION**



- Less reservations => more harmonization
- Enhanced effectiveness

# CLNI 2012

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# Change in content of Convention (material rules)

## Extend scope of application

Article 15(1)  
This Convention shall apply (...) where the vessel was being operated on a waterway located on the territory of a State party

Article 15(2)  
Any State may (...) exclude application of this Convention (...) in cases where the waterway is not listed in Annex I of AGN

- Limited to vessels used for commercial navigational purposes
- Exclusion of small craft possible for a maximum period of 8 years

## Raise amounts of liability

Three funds provided in the CLNI 2012

Art. 6 CLNI  
Fund for claims in respect of material damages, death or bodily injury to third parties

Raised by 100%



Art. 7 CLNI  
Fund for claims in respect of damage caused by transport of dangerous goods

Twice the amount of art 6 funds  
Minimum of 10 M SDR



Possible to make a reservation in order to adopt higher amounts or no limits

Art. 8 CLNI  
Fund for claims in respect of passengers

CLNI 1988: 60 000 x capacity of ship

CLNI 2012: 100 000 x capacity of ship



No absolute cap  
No possibility to make a reservation

Damage





# Extend scope of application

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No possibility to make a reservation





# Art. 6 Funds

**1988**

**1200 T/ 500 kW**

**590 000 bodily injury**

**295 000 material  
damages**

**2012**

**3000 T/ 2000 kW**

**2 M° bodily injury**

**1 M° material  
damages**

# CLNI Practice

Damages	CLNI	Difference paid by
1,7 M°	380 000	State
5 to 10 M°	600 000	State
600 000	320 000	State
235 415	100 000	Ship owner + State
328 590	211 402	Ship owner

# CRUISE VESSELS

## Most cruise ships

- belong to Western States (few Danube State cruise ships)
- have an average capacity of 110-130 pers; up to 160 since 2005

$$100\ 000 \times 110 = 11\ \text{M}$$

$$100\ 000 \times 160 = 16\ \text{M}$$



# DAILY EXCURSION SHIPS

In western countries, capacity can reach 2000 (D),  
1700 (NL) or 1000 (F) passengers

Average capacity is around 200


In Danube countries,

HU: up to 600 passengers (112 for swift ships)

PL: average = 80 passengers

RO: up to 300 passengers

CZ: average = 150- 170 passengers, up to 450



## **Change in context of Convention: Effectiveness (procedural rules)**

### **Better concentration of claims to the fund**

Within CLNI 2012 all claims canalized to the funds (article 14§1)

Any vessel of other property belonging to owner shall be released (art. 14§2)

### **Further enhanced by virtue of EU REG 44/2001 (Brussel I)**

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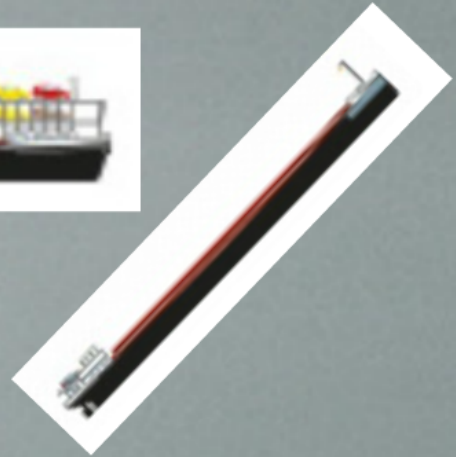





Individual claims

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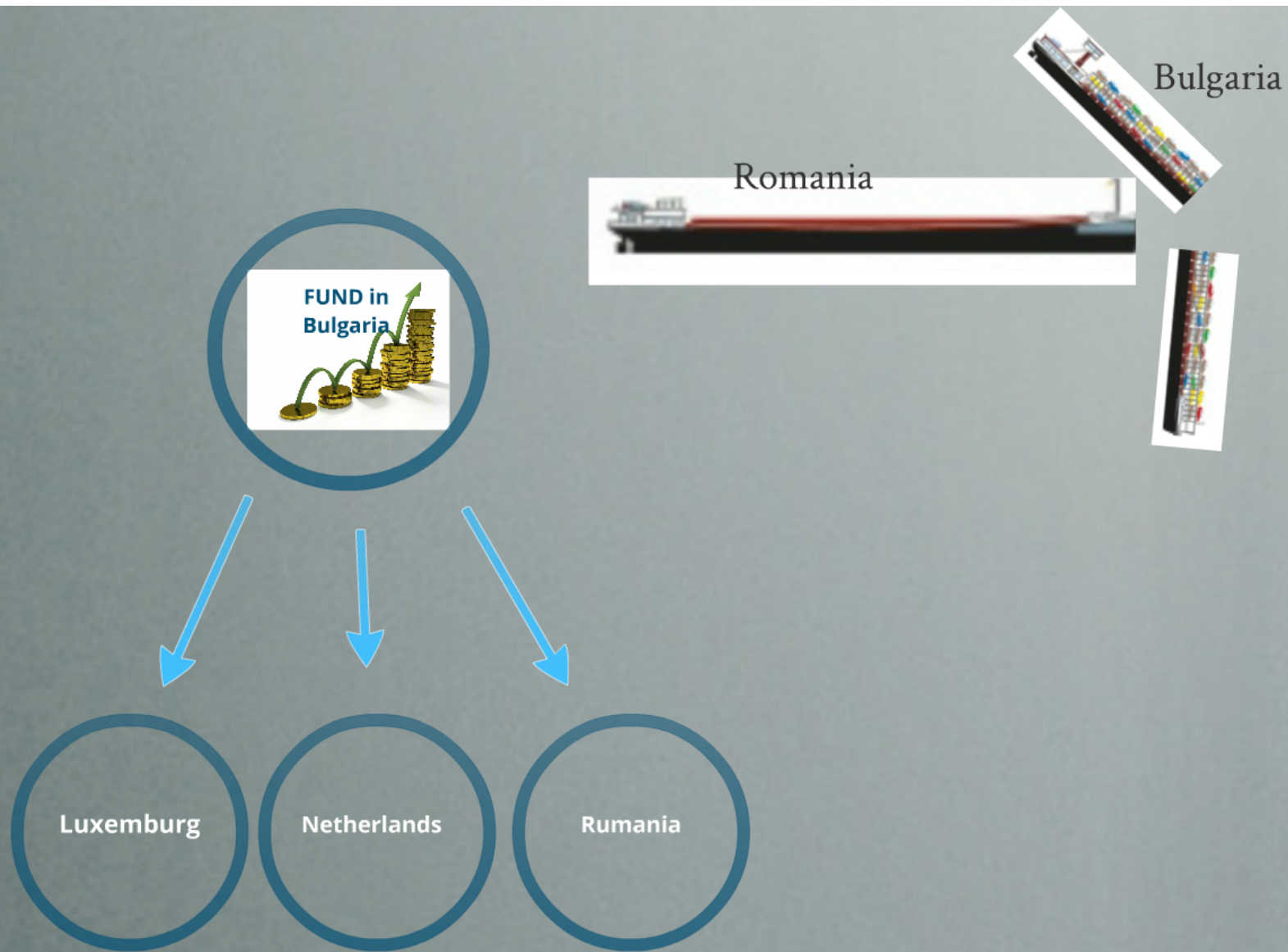
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**EU REG 44/2001: Recognition and enforcement throughout Europe**

## CONCLUSIONS:

- Higher amounts
- Less reservations => more harmonization
- Enhanced effectiveness

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the Limitation of Liability in Inland Navigation :  
What has changed?

CLNI objective:  
Harmonization of global limits of liability

Damage to infrastructure, environment ...

Death and bodily injury

Material damage to another boat