

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 45

A. TITEL

*Verdrag inzake beperking van aansprakelijkheid voor maritieme vorderingen, 1976;
Londen, 19 november 1976*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1980, 23. Zie voor een correctie in de Franse tekst van het Verdrag *Trb.* 1984, 31.

C. VERTALING

Zie *Trb.* 1980, 23 en *Trb.* 1984, 31.

D. PARLEMENT

Zie *Trb.* 1990, 111.

Artikel 4 van de Rijkswet van 7 oktober 2010 (*Stb.* 2010, 782) luidt als volgt:

„Artikel 4

Goedgekeurd wordt dat het op 19 november 1976 te Londen tot stand gekomen Verdrag inzake beperking van aansprakelijkheid voor maritieme vorderingen, 1976, waarvan de Engelse en de Franse tekst en de vertaling in het Nederlands zijn gepubliceerd in *Tractatenblad* 1980, 23, wordt opgezegd voor Nederland.”.

Deze Rijkswet is gecontrasigneerd door de Minister van Veiligheid en Justitie I. W. OPSTELTEN, de Minister van Buitenlandse Zaken U. ROSENTHAL en de Staatssecretaris van Infrastructuur en Milieu J. J. AT SMA.

Voor de behandeling in de Staten-Generaal zie Kamerstukken II 2008/2009, 2009/2010, 31872 (R 1876); Hand. II 2010/2011, 31872 (R 1876); Kamerstukken I 2010/2011, 31872 (R 1876); Hand. I 2010/2011, 31872 (R 1876).

E. PARTIJGEGEVENS

Zie rubriek E en F van *Trb.* 1980, 23.

Partij	Onder-tekening	Ratificatie	Type ^o	In werking	Opzeg-ging	Buiten werking
Albanië		07-06-04	T	01-10-04		
Algerije		04-08-04	T	01-12-04		
Antigua en Barbuda		12-10-09	T	01-02-10		
Australië		20-02-91	T	01-06-91		
Azerbeidzjan		16-07-04	T	01-11-04		
Bahama's		07-06-83	T	01-12-86		
Barbados		06-05-94	T	01-09-94		
België		15-06-89	T	01-10-89	09-10-09	01-11-10
Belize						
Benin		01-11-85	T	01-12-86		
Bulgarije		04-07-05	T	01-11-05		
China						
Congo, Republiek		07-09-04	T	01-01-05		
Cookeilanden		12-03-07	T	01-07-07		
Cyprus		23-12-05	T	01-04-06		
Denemarken	22-12-77	30-05-84	R	01-12-86	25-03-04	01-04-05
Dominica		31-08-01	T	01-12-01		
Duitsland	16-12-77	12-05-87	R	01-09-87	18-10-00	13-05-04

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Egypte		30-03-88	T	01-07-88		
Equatoriaal Guinee		24-04-96	T	01-08-96		
Estland		23-10-02	T	01-02-03		
Finland	30-12-77	08-05-84	R	01-12-86	15-09-00	13-05-04
Frankrijk	21-12-77	01-07-81	R	01-12-86		
Georgië		20-02-96	T	01-06-96		
Griekenland		03-07-91	T	01-11-91		
Guyana		10-12-97	T	01-04-98		
Hongarije		04-07-08	T	01-11-08		
Ierland		24-02-98	T	01-06-98		
India		20-08-02	T	01-12-02		
Jamaica		17-08-05	T	01-12-05		
Japan		04-06-82	T	01-12-86	29-07-05	01-08-06
Jemen		06-03-79	T	01-12-86		
Kiribati		05-02-07	T	01-06-07		
Kroatië		02-03-93	T	01-06-93		
Letland		31-07-99	T	01-11-99		
Liberia		17-02-81	T	01-12-86		
Litouwen		03-03-04	T	01-07-04		
Luxemburg		21-11-05	T	01-03-06		
Marshalleilan- den, de		29-11-94	T	01-03-95		
Mauritius		17-12-02	T	01-04-03		
Mexico		13-05-94	T	01-09-94		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius		15-05-90 08-10-10 08-10-10	T T T	01-09-90 10-10-10 10-10-10	23-12-10	01-01-12

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
– Saba – Aruba – Curaçao – Sint Maarten		08-10-10	T	10-10-10		
Nieuw-Zeeland		14-02-94	T	01-06-94		
Nigeria		24-02-04	T	01-06-04		
Noorwegen	21-12-77	30-03-84	R	01-12-86	31-10-05	01-11-06
Polen		28-04-86	T	01-12-86		
Roemenië		12-03-07	T	01-07-07		
Saint Lucia		20-05-04	T	01-09-04		
Samoa		18-05-04	T	01-09-04		
Sierra Leone		26-07-01	T	01-11-01		
Singapore		24-01-05	T	01-05-05		
Spanje	12-10-77	13-11-81	R	01-12-86	27-11-06	01-11-07
Syrië		02-09-05	T	01-01-06		
Tonga		18-09-03	T	01-01-04		
Trinidad en Tobago		06-03-00	T	01-07-00		
Turkije		06-03-98	T	01-07-98		
Tuvalu		12-01-09	T	01-05-09		
Vanuatu		14-09-92	T	01-01-93		
Verenigd Koninkrijk, het	01-02-77	31-01-80	R	01-12-86	17-07-98	13-05-04
Verenigde Arabische Emiraten, de		19-11-97	T	01-03-98		
Zweden	19-12-77	30-03-84	R	01-12-86	22-07-04	01-08-05
Zwitserland		15-12-87	T	01-04-88		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Hongkong SAR	01-07-1997	

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Akrotiri en Dhekelia (Soevereine Basis Gebieden op Cyprus)	01-12-1986	
Anguilla	04-02-1999	
Belize (< 21-09-1981)	01-12-1986	21-09-1981
Bermuda	01-12-1986	
Brits Antarctisch Territorium	04-02-1999	
Brits Territorium in de Indische Oceaan	04-02-1999	
Britse Maagdeneilanden	01-12-1986	
Caymaneilanden	01-12-1986	
Falklandeilanden	01-12-1986	
Gibraltar	01-12-1986	
Guernsey	01-12-1986	
Hongkong (< 01-07-1997)	01-12-1986	01-07-1997
Jersey	01-12-1986	14-12-2009
Man	01-12-1986	
Montserrat	01-12-1986	
Pitcairneilanden	01-12-1986	
Sint-Helena, Ascension en Tristan da Cunha	01-12-1986	
Turks- en Caicoseilanden	01-12-1986	
Zuid-Georgië en de Zuidelijke Sandwicheilanden	04-02-1999	

Verklaringen, voorbehouden en bezwaren

Australië, 20 februari 1991

.... pursuant to article 18, paragraph 1, of the said Convention, Australia will not be bound by article 2, paragraph 1(d) and (e).

België, 15 juni 1989

In accordance with the provisions of article 18, paragraph 1, Belgium expresses a reservation on article 2, paragraph 1(d) and (e).

Article 15(2)

In accordance with the provisions of article 15, paragraph 2, Belgium will apply the provisions of the Convention to inland navigation.

China, 5 juni 1997

1. with respect to the Hong Kong Special Administrative Region, it reserves the right in accordance with Article 18(1), to exclude the application of the Article 2(1)(d).

Article 8(4)

The manner of calculation employed with respect to article 8(1) of the Convention concerning the unit of account shall be the method of valuation applied by the International Monetary Fund.

Article 15(2)

with regard to Article 15(2)(b) of the Convention, the limits of liability which will be applied to ships under 300 tons are 166,667 units of account in respect of claims for loss of life or personal injury and 83,333 units of account in respect to any other claims.

Cyprus, 23 december 2005

Pursuant to paragraph 1 of Article 18 of the Convention on Limitation of Liability for Maritime Claims, 1976 as amended by the Protocol of 1996, the Republic of Cyprus hereby excludes:

(a) the application of Article 2, paragraphs 1(d) and (e);

(b) claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, or any amendment or protocol related thereto.

Duitsland, 12 mei 1987

In accordance with art. 18, par. 1 of the Convention, the Federal Republic of Germany reserves the right to exclude the application of art. 2, par. 1 (d) and (e) of the Convention.

Article 15(2)

In accordance with art. 15, par. 2, first sentence, sub-par. (a) of the Convention, the system of limitation of liability to be applied to vessels which are, according to the law of the Federal Republic of Germany, ships intended for navigation on inland waterways, is regulated by the provisions relating to the private law aspects of inland navigation.

In accordance with art. 15, par. 2, first sentence, sub-par. (b) of the Convention, the system of limitation of liability to be applied to ships up to a tonnage of 250 tons is regulated by specific provisions of the law of the Federal Republic of Germany to the effect that, with respect to such a ship, the limit of liability to be calculated in accordance with art. 6, par. 1 (b) of the Convention is half of the limitation amount to be applied with respect to a ship with a tonnage of 500 tons.

Frankrijk, 1 juli 1981

In accordance with article 18, paragraph 1, the Government of the French Republic reserves the right to exclude the application of article 2, paragraphs 1(d) and (e).

Article 15(2)

- that no limit of liability is provided for vessels navigating on French internal waterways;
- that, as far as ships with a tonnage of less than 300 tons are concerned, the general limits of liability are equal to half those established in article 6 of the Convention for ships with a tonnage not exceeding 500 tons.

Ierland, 24 februari 1998

In accordance with Article 18 of the Convention on Limitation of Liability for Marine Claims, done at London on the 19th of November, 1976, Ireland's accession to the said Convention is subject to the exclusion of the application of Article 2, paragraph 1(d) and (e) thereof to Ireland.

Japan, 4 juni 1982

... the Government of Japan, in accordance with the provision of paragraph 1 of article 18 of the Convention, reserves the right to exclude the application of paragraph 1(d) and (e) of article 2 of the Convention.

Nederlanden, het Koninkrijk der, 15 mei 1990

In accordance with Article 18, paragraph 1, of the Convention on Limitation of Liability for Maritime Claims, 1976, done at London on 19 November 1976, the Kingdom of the Netherlands reserves the right to exclude the application of Article 2, paragraph 1(d) and (e) of the Convention.

Article 15, Paragraph 2(a)

The Act of June 14th 1989 (Staatsblad 239) relating to the limitation of liability of owners of inland navigation vessels provides that the limits of liability shall be calculated in accordance with an Order in Council. The Order in Council of February 19th 1990 (Staatsblad 96) adopts the following limits of liability in respect of ships intended for navigation on inland waterways.

- I Limits of liability for claims in respect of loss of life or personal injury other than those in respect of passengers of a ship, arising on any distinct occasion:

1. for a ship not intended for the carriage of cargo, in particular a passenger ship, 200 Units of Account per cubic metre of displacement at maximum permitted draught, plus, for ships equipped with mechanical means of propulsion, 700 Units of Account for each kW of the motorpower of the means of propulsion;
 2. for a ship intended for the carriage of cargo, 200 Units of Account per ton of the ship's maximum deadweight, plus, for ships equipped with mechanical means of propulsion, 700 Units of Account for each kW of the motorpower of the means of propulsion;
 3. for a tug or a pusher, 700 Units of Account for each kW of the motorpower of the means of propulsion;
 4. for a pusher which at the time the damage was caused was coupled to barges in a pushed convoy, the amount calculated in accordance with 3 shall be increased by 100 Units of Account per ton of the maximum deadweight of the pushed barges; such increase shall not apply if it is proved that the pusher has rendered salvage services to one or more of such barges;
 5. for a ship equipped with mechanical means of propulsion which at the time the damage was caused was moving other ships coupled to this ship, the amount calculated in accordance with 1, 2, or 3 shall be increased by 100 Units of Account per ton of the maximum deadweight or per cubic metre of displacement of the other ships; such increase shall not apply if it is proved that this ship has rendered salvage services to one or more of the coupled ships;
 6. for hydrofoils, dredgers, floating cranes, elevators and all other floating appliances, pontoons or plant of a similar nature, treated as inland navigation ships in accordance with Article 951a, paragraph 4 of the Commercial Code, their value at the time of the incident;
 7. where in cases mentioned under 4 and 5 the limitation fund of the pusher or the mechanically propelled ship is increased by 100 Units of Account per ton of the maximum deadweight of the pushed barges or by 100 Units of Account per ton of the maximum deadweight or per cubic metre of displacement of the other coupled ships, the limitation fund of each barge or of each of the other coupled ships shall be reduced by 100 Units of Account per ton of the maximum deadweight of the barge or by 100 Units of Account per ton of the maximum deadweight or per cubic metre of displacement of the other vessel with respect to claims arising out of the same incident; however, in no case shall the limitation amount be less than 200,000 Units of Account.
- II The limits of liability for claims in respect of any damage caused by water pollution, other than claims for loss of life or personal injury, are equal to the limits mentioned under I.
- III The limits of liability for all other claims are equal to half the amount of the limits mentioned under I.
- IV In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of an inland navigation ship, the limit

of liability of the owner thereof shall be an amount equal to 60,000 Units of Account multiplied by the number of passengers the ship is authorized to carry according to its legally established capacity or, in the event that the maximum number of passengers the ship is authorized to carry has not been established by law, an amount equal to 60,000 Units of Account multiplied by the number of passengers actually carried on board at the time of the incident. However, the limitation of liability shall in no case be less than 720,000 Units of Account and shall not exceed the following amounts:

- (i) 3 million Units of Account for a vessel with an authorized maximum capacity of 100 passengers;
- (ii) 6 million Units of Account for a vessel with an authorized maximum capacity of 180 passengers;
- (iii) 12 million Units of Account for a vessel with an authorized maximum capacity of more than 180 passengers;

Claims for loss of life or personal injury to passengers“ have been defined in the same way as in Article 7, paragraph 2 of the Convention on Limitation of Liability for Maritime Claims, 1976.

The Unit of Account mentioned under I-IV is the Special Drawing Right as defined in Article 8 of the Convention on Limitation of Liability for Maritime Claims, 1976.

Article 15, Paragraph 2(b)

The Act of 14 June 1989 (Staatsblad 241) relating to the limitation of liability for maritime claims provides that with respect to ships which are according to their construction intended exclusively or mainly for the carriage of persons and have a tonnage of less than 300, the limit of liability for claims other than for loss of life or personal injury may be established by Order in Council at a lower level than under the Convention.

The Order in Council of February 19th 1990 (Staatsblad 97) provides that the limit shall be 100,000 Units of Account.

The Unit of Account is the Special Drawing Right as defined in Article 8 of the Convention on Limitation of Liability for Maritime Claims, 1976.

Nieuw-Zeeland, 14 februari 1994

(...) it is not intended that the accession by the Government of New Zealand to the Convention should extend to Tokelau.

Noorwegen, 30 maart 1984

In accordance with Article 18.1(a) of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the Protocol of 1996, Norway hereby declares that it reserves the right to exclude the application of Article 2, paragraph 1(d) and (e).

Article 15(4)

Because a higher liability is established for Norwegian drilling vessels according to the Act of 27 May 1983 (No. 30) on changes in the Mari-

time Act of 20 July 1893, paragraph 324, such drilling vessels are exempted from the regulations of this Convention as specified in article 15 No. 4.

Polen, 28 april 1986

Article 8(4)

Poland will now calculate financial liabilities mentioned in the Convention in the terms of the Special Drawing Right, according to the following method.

The Polish National Bank will fix a rate of exchange of the SDR to the United States dollar according to the current rates of exchange quoted by Reuter. Next, the US dollar will be converted into Polish zloties at the rate of exchange quoted by the Polish National Bank from their current table of rates of foreign currencies.

Singapore, 24 januari 2005

The Republic of Singapore reserves the right, in accordance with article 18, paragraph 1, of the Convention, to exclude the application of article 2, paragraph 1(d) and (e) of the Convention.

The Republic of Singapore, pursuant to article 6, paragraph 3, of the Convention, notifies that it has provided in its national law that claims in respect of damage to harbour works, basins and waterways and aids to navigation shall have priority over other claims under article 6, paragraph 1(b), of the Convention.

The Republic of Singapore further notifies that, with respect to article 15, paragraph 2(b) of the Convention, the limits of liability which Singapore intends to apply are as follows:

(a) to a ship licensed as a harbour craft under the Maritime and Port Authority of Singapore Act (Cap. 170A), Article 6 of the Convention has effect as if the aggregate of the amounts in paragraph 1(a)(i) and (b)(i) referred to the sum insured under the policy of insurance for the time being required by the Port Master under that Act to be in force in relation to that harbour craft in respect of third party risks; and

(b) to any other ship with a tonnage less than 300 tons, article 6 of the Convention has effect as if:

- (i) paragraph 1(a)(i) referred to 166,667 Units of Account; and
- (ii) [paragraph 1(b)(i) referred to 83,333 Units of Account.

Verenigd Koninkrijk, het, 31 januari 1980

... reserving the right, in accordance with article 18, paragraph 1, of the Convention, on its own behalf and on behalf of the above-mentioned territories, to exclude the application of article 2, paragraph 1(d); and to exclude the application of article 2, paragraph 1(e) with regard to Gibraltar only.

Article 8(4)

... the manner of calculation employed by the United Kingdom pursuant to article 8(1) of the Convention shall be the method of valuation applied by the International Monetary Fund.

... with regard to article 15, paragraph 2(b), the limits of liability which the United Kingdom intend to apply to ships of under 300 tons are 166,677 units of account in respect of claims for loss of life or personal injury, and 83,333 units of account in respect of any other claims.

Zweden, 30 maart 1984

... in accordance with paragraph 4 of article 15 of the Convention, Sweden has established under its national legislation a higher limit of liability for ships constructed for or adapted to and engaged in drilling than that otherwise provided for in article 6 of the Convention.

Zwitserland, 15 december 1987

Article 8(4)

The Federal Council declares, with reference to article 8, paragraphs 1 and 4 of the Convention that Switzerland calculates the value of its national currency in special drawing rights (SDR) in the following way: The Swiss National Bank (SNB) notifies the International Monetary Fund (IMF) daily of the mean rate of the dollar of the United States of America on the Zurich currency market. The exchange value of one SDR in Swiss francs is determined from that dollar rate and the rate of the SDR in dollars calculated by IMF. On the basis of these values, SNB calculates a mean SDR rate which it will publish in its Monthly Gazette. In accordance with article 15, paragraph 2, of the Convention on Limitation of Liability for Maritime Claims, 1976, we have the honour to inform you that Switzerland has availed itself of the option provided in paragraph 2(a) of the above-mentioned article.

Since the entry into force of article 44a of the Maritime Navigation Order of 20 November 1956, the limitation of the liability of the owner of an inland waterways ship has been determined in Switzerland in accordance with the provisions of that article, a copy of which is [reproduced below]:

II. Limitation of liability of the owner of an inland waterways vessel.

Article 44a

1. In compliance with article 5, subparagraph 3c, of the law on maritime navigation, the liability of the owner of an inland waterways vessel, provided in article 126, subparagraph 2c, of the law, shall be limited as follows:

- a. in respect of claims for loss of life or personal injury, to an amount of 200 units of account per deadweight tonne of a vessel used for the carriage of goods and per cubic metre of water displaced for any other vessel, increased by 700 units of account per kilowatt of power in the case of mechanical means of propulsion, and to an amount of 700 units of account per kilowatt of power for uncoupled tugs and pusher craft; for all such vessels, however, the limit of liability is fixed at a minimum of 200,000 units of account;
 - b. in respect of claims for passengers, to the amounts provided by the Convention on Limitation of Liability for Maritime Claims, 1976, to which article 49, subparagraph 1, of the federal law on maritime navigations refers;
 - c. in respect of any other claims, half of the amounts provided under subparagraph a.
2. The unit of account shall be the special drawing right defined by the International Monetary Fund.
 3. Where, at the time when damage was caused, a pusher craft was securely coupled to a pushed barge train, or where a vessel with mechanical means of propulsion was providing propulsion for other vessels coupled to it, the maximum amount of liability, for the entire coupled train, shall be determined on the basis of the amount of the liability of the pusher craft or of the vessel with mechanical means of propulsion and also on the basis of the amount calculated for the deadweight tonnage or the water displacement of the vessels to which such pusher craft or vessel is coupled, in so far as it is not proved that such pusher craft or such vessel has rendered salvage services to the coupled vessels.

G. INWERKINGTREDING

Zie *Trb.* 1990, 111.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag, dat vanaf 1 september 1990 alleen voor het Europese deel van Nederland gold, vanaf 10 oktober 2010 ook voor het Caribische deel van Nederland.

Voor een staat die het Verdrag opzegt, treedt het Verdrag ingevolge artikel 19, derde lid, op de eerste dag van de maand na het verstrijken van een jaar te rekenen van de datum van nederlegging van de akte, buiten werking.

Het Verdrag zal ingevolge hetzelfde artikel op 1 januari 2012 voor het Koninkrijk der Nederlanden, voor Nederland (het Europese deel), buiten werking treden. Het Verdrag blijft van kracht voor Nederland (het Caribische deel).

J. VERWIJZINGEN

Zie *Trb.* 1980, 23, *Trb.* 1984, 31 en *Trb.* 1990, 111.

Verbanden

Het Verdrag wordt gewijzigd door:

- Titel : Protocol van 1996 tot wijziging van het Verdrag inzake de beperking van aansprakelijkheid voor maritieme vorderingen, 1976;
Londen, 2 mei 1996
- Tekst : *Trb.* 1997, 300 (Engels, Frans)
Trb. 2006, 17 (vertaling)
- Laatste *Trb.* : *Trb.* 2011, 46

Overige verwijzingen

- Titel : Overeenkomst betreffende het Internationale Monetaire Fonds;
Washington, 27 december 1945
- Laatste *Trb.* : *Trb.* 2009, 190
- Titel : Verdrag inzake de Internationale Maritieme Organisatie¹⁾;
Genève, 6 maart 1948
- Laatste *Trb.* : *Trb.* 2008, 26
- Titel : Verdrag inzake wettelijke aansprakelijkheid op het gebied van de kernenergie;
Parijs, 29 juli 1960
- Laatste *Trb.* : *Trb.* 2010, 26
- Titel : Verdrag tot aanvulling van het Verdrag van Parijs van 29 juli 1960 inzake wettelijke aansprakelijkheid op het gebied van de kernenergie;
Brussel, 31 januari 1963
- Laatste *Trb.* : *Trb.* 1991, 147
- Titel : Aanvullend Protocol bij het Verdrag inzake wettelijke aansprakelijkheid op het gebied van de kernenergie;
Parijs, 28 januari 1964
- Laatste *Trb.* : *Trb.* 2010, 27
- Titel : Internationaal Verdrag betreffende de meting van schepen, 1969;
Londen, 23 juni 1969
- Laatste *Trb.* : *Trb.* 1996, 222

¹⁾ De titel van het Verdrag luidde vóór 22 mei 1982: Verdrag nopens de Inter-gouvernementele Maritieme Consultatieve Organisatie.

- Titel : Protocol bij het Internationaal Verdrag inzake de wettelijke aansprakelijkheid voor schade door verontreiniging door olie, 1969;
Londen, 19 november 1976
- Laatste *Trb.* : *Trb.* 1997, 55
- Titel : Internationaal Verdrag inzake de wettelijke aansprakelijkheid voor schade door verontreiniging door olie;
Brussel, 29 november 1969
- Laatste *Trb.* : *Trb.* 1997, 53

Uitgegeven de *elfde* maart 2011.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL