

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2013 Nr. 31

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A. TITEL

*Protocol van 1996 tot wijziging van het Verdrag inzake beperking van aansprakelijkheid voor maritieme vorderingen, 1976;  
Londen, 2 mei 1996*

B. TEKST

De Engelse en de Franse tekst van het Protocol zijn geplaatst in *Trb.* 1997, 300.

Op 19 april 2012 heeft de Juridische Commissie van de Internationale Maritieme Organisatie, in overeenstemming met artikel 8, vierde lid, van het Protocol, resolutie LEG.5(99) aangenomen houdende wijzigingen van de beperkingsbedragen in het Protocol. De Engelse<sup>1)</sup> tekst<sup>2)</sup> van de resolutie LEG.5(99), met bijlage, luidt als volgt:

**Resolution LEG.5(99)**

**(Adopted on 19 April 2012)**

**Adoption of amendments of the limitation amounts in the Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims, 1976**

The Legal Committee at its ninety-ninth session,

Recalling Article 33(b) of the Convention on the International Maritime Organization (hereinafter referred to as the “IMO Convention”) concerning the functions of the Committee,

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<sup>1)</sup> De Arabische, de Chinese, de Franse, de Russische en de Spaanse tekst zijn niet opgenomen.

<sup>2)</sup> Het voor eensluidend gewaarmerkt afschrift is nog niet ontvangen. In de tekst kunnen derhalve onjuistheden voorkomen die in een volgend Tractatenblad zullen worden gecorrigeerd.

Mindful of Article 36 of the IMO Convention concerning rules governing the procedures to be followed when exercising the functions conferred on it by or under any international convention or instrument,

Taking into consideration article 8 of the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976 (hereinafter referred to as the “1996 LLMC Protocol”) concerning the procedures for amending the limitation amounts set out in article 3 of the 1996 LLMC Protocol,

Having considered amendments to the limitation amounts proposed and circulated in accordance with the provisions of article 8(1) and (2) of the 1996 LLMC Protocol,

1. Adopts, in accordance with article 8(4) of the 1996 LLMC Protocol, amendments to the limitation amounts set out in article 3 of the 1996 LLMC Protocol, as set out in the annex to this resolution;

2. Determines, in accordance with article 8(7) of the 1996 LLMC Protocol, that these amendments shall be deemed to have been accepted at the end of a period of 18 months after the date of notification unless, prior to that date, not less than one-fourth of the States that were Contracting States on the date of the adoption of these amendments have communicated to the Secretary-General that they do not accept these amendments;

3. Further determines that, in accordance with article 8(8) of the 1996 LLMC Protocol, these amendments deemed to have been accepted in accordance with paragraph 2 above shall enter into force 18 months after their acceptance;

4. Requests the Secretary-General, in accordance with article 14(2)(a)(v) of the 1996 LLMC Protocol, to transmit certified copies of the present resolution and the amendments contained in the annex thereto to all States which have signed or acceded to the 1996 LLMC Protocol;

5. Further requests the Secretary-General to transmit copies of the present resolution and its annex to the Members of the Organization which have not signed or acceded to the 1996 LLMC Protocol.

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### Annex

#### **Amendments of the limits of liability in the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976**

Article 3 of the 1996 LLMC Protocol is amended as follows:

in respect of claims for loss of life or personal injury,

the reference to:

- “2 million Units of Account” shall read “3,02 million Units of Account”;
- “800 Units of Account” shall read “1,208 Units of Account”;
- “600 Units of Account” shall read “906 Units of Account”;
- “400 Units of Account” shall read “604 Units of Account”;

in respect of any other claims,

the reference to:

- “1 million Units of Account” shall read “1.51 million Units of Account”;
- “400 Units of Account” shall read “604 Units of Account”;
- “300 Units of Account” shall read “453 Units of Account”;
- “200 Units of Account” shall read “302 Units of Account”.

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#### C. VERTALING

Zie *Trb.* 2006, 17.

De vertaling van de op 19 april 2012 aangenomen resolutie LEG.5(99), met bijlage, luidt als volgt:

#### **Resolutie LEG.5(99)**

**(Aangenomen op 19 april 2012)**

#### **Aanneming van wijzigingen van de beperkingsbedragen in het Protocol van 1996 bij het Verdrag inzake beperking van aansprakelijkheid voor maritieme vorderingen, 1976**

De Juridische Commissie tijdens haar negenennegentigste zitting,

Herinnerend aan artikel 33(b) van het Verdrag inzake de Internationale Maritieme Organisatie (hierna te noemen het „IMO-Verdrag”) betreffende de taken van de Commissie,

Indachtig artikel 36 van het IMO-Verdrag inzake regels betreffende de procedures die dienen te worden gevolgd bij de uitoefening van de taken die haar bij of krachtens een internationaal verdrag of instrument zijn opgelegd,

In herinnering brengend artikel 8 van het Protocol van 1996 tot wijziging van het Verdrag inzake beperking van aansprakelijkheid voor maritieme vorderingen, 1976 (hierna te noemen het „LLMC-Protocol, 1996”) betreffende de procedures voor wijziging van de beperkingsbedragen als vervat in artikel 3 van het LLMC-Protocol, 1996,

Na bestudering van de wijzigingen van de beperkingsbedragen, voorgesteld en verspreid in overeenstemming met de bepalingen van artikel 8, eerste en tweede lid, van het LLMC-Protocol, 1996,

1. Neemt, in overeenstemming met artikel 8, vierde lid, van het LLMC-Protocol, 1996, de wijzigingen van de beperkingsbedragen als vervat in artikel 3 van het LLMC-Protocol, 1996, aan, waarvan de tekst is vervat in de bijlage bij deze resolutie;

2. Bepaalt, in overeenstemming met artikel 8, zevende lid, van het LLMC-Protocol, 1996, dat deze wijzigingen worden geacht te zijn aanvaard na het verstrijken van een periode van 18 maanden na de datum van kennisgeving, tenzij voor deze datum tenminste een vierde van de Staten die op de datum van aanneming van deze wijzigingen Verdrag-sluitende Staten waren, de Secretaris-Generaal hebben medegedeeld dat zij deze wijzigingen niet aanvaardden;

3. Bepaalt voorts, in overeenstemming met artikel 8, achtste lid, van het LLMC-Protocol, 1996, dat deze wijzigingen, die geacht worden te zijn aanvaard overeenkomstig het bovenstaande punt 2, 18 maanden na de aanvaarding ervan in werking treden;

4. Verzoekt de Secretaris-Generaal, in overeenstemming met artikel 14, tweede lid, onder (a), onderdeel (v), van het LLMC-Protocol, 1996, voor eensluidend gewaarmerkte afschriften van deze resolutie en van de in de bijlage vervatte wijzigingen te doen toekomen aan alle Staten die het LLMC-Protocol, 1996, hebben ondertekend of ertoe zijn toegetreden;

5. Verzoekt de Secretaris-Generaal voorts afschriften van deze resolutie en de bijlage daarbij te doen toekomen aan de Leden van de Organisatie die het LLMC-Protocol, 1996, niet hebben ondertekend of er niet toe zijn toegetreden.

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### Bijlage

#### **Wijzigingen van de aansprakelijkheidsgrenzen in het Protocol van 1996 bij het Verdrag inzake beperking van aansprakelijkheid voor maritieme vorderingen, 1976**

Artikel 3 van het LLMC-Protocol, 1996, wordt als volgt gewijzigd:

met betrekking tot vorderingen ter zake van dood of letsel,

wordt de verwijzing naar:

- „2 miljoen rekeneenheden” gewijzigd in „3.02 miljoen rekeneenheden”;
- „800 rekeneenheden” gewijzigd in „1.208 rekeneenheden”;
- „600 rekeneenheden” gewijzigd in „906 rekeneenheden”;
- „400 rekeneenheden” gewijzigd in „604 rekeneenheden”;

met betrekking tot alle andere vorderingen,

wordt de verwijzing naar:

- „1 miljoen rekeneenheden” gewijzigd in „1,51 miljoen rekeneenheden”;
- „400 rekeneenheden” gewijzigd in „604 rekeneenheden”;
- „300 rekeneenheden” gewijzigd in „453 rekeneenheden”;
- „200 rekeneenheden” gewijzigd in „302 rekeneenheden”.

#### D. PARLEMENT

Zie *Trb.* 2011, 46.

De wijzigingen van 19 april 2012 van het Protocol behoeven ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

#### E. PARTIJGEGEVENS

Zie *Trb.* 1997, 300. Toetreding is voorzien in artikel 10, tweede lid, onder c, van het Protocol.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië		07-06-04	T	05-09-04		
Antigua en Barbuda		12-10-09	T	10-01-10		
Australië		08-10-02	T	13-05-04		
België		09-10-09	T	07-01-10		
Bulgarije		04-07-05	T	02-10-05		
Canada	09-09-97	09-05-08	R	07-08-08		
Cookeilanden		12-03-07	T	10-06-07		
Cyprus		23-12-05	T	23-03-06		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Denemarken	25-09-97	12-04-02	R	13-05-04		
Duitsland	25-04-97	03-09-01	R	13-05-04		
Estland		16-03-11	T	14-06-11		
Finland	18-04-97	15-09-00	R	13-05-04		
Frankrijk	07-02-97	24-04-07	R	14-07-07		
Griekenland		06-07-09	T	04-10-09		
Hongarije		04-07-08	T	02-10-08		
Ierland		25-01-12	T	24-04-12		
IJsland		17-11-08	T	15-02-09		
India		23-03-11	T	21-06-11		
Jamaica		19-08-05	T	17-11-05		
Japan		03-05-06	T	01-08-06		
Kroatië		15-05-06	T	13-08-06		
Letland		18-04-07	T	17-07-07		
Liberia		18-09-08	T	17-12-08		
Litouwen		14-09-07	T	13-12-07		
Luxemburg		21-11-05	T	19-02-06		
Maleisië		12-11-08	T	10-02-09		
Malta		13-02-04	T	13-05-04		
Marshalleilanden		30-01-06	T	30-04-06		
Mongolië		28-09-11	T	27-12-11		
<b>Nederlanden, het Koninkrijk der</b> – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	29-09-97	23-12-10 – – – – – – –	R	23-03-11 – – – – – –		
Niue		27-06-12	T	25-09-12		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Noorwegen	25-09-97	17-10-00	R	13-05-04		
Palau		29-09-11	T	28-12-11		
Polen		17-11-11	T	15-02-12		
Roemenië		12-03-07	T	10-06-07		
Russische Federatie		25-05-99	T	13-05-04		
Saint Lucia		20-05-04	T	18-08-04		
Samoa		18-05-04	T	16-08-04		
Sierra Leone		01-11-01	T	13-05-04		
Spanje		10-01-05	T	10-04-05		
Syrië		02-09-05	T	01-12-05		
Tonga		18-09-03	T	13-05-04		
Turkije		19-07-10	T	17-10-10		
Tuvalu		12-01-09	T	12-04-09		
Verenigd Koninkrijk	16-10-96	11-06-99	R	13-05-04		
Zweden	18-02-97	22-07-04	R	20-10-04		

\* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

## Uitbreidingen

### Denemarken

Uitgebreid tot	In werking	Buiten werking
Groenland	13-05-2004	

### Verenigd Koninkrijk

Uitgebreid tot	In werking	Buiten werking
Caymaneilanden	31-01-2011	
Jersey	14-12-2009	

Uitgebreid tot	In werking	Buiten werking
Man	13-05-2004	

### Verklaringen, voorbehouden en bezwaren

België, 9 oktober 2009

In accordance with article 18, paragraph 1(a) of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the Protocol of 1996, the Kingdom of Belgium reserves the right to exclude application of article 2, paragraph 1(d) and (e) of the 1976 Convention, as amended by the 1996 Protocol.

Canada, 9 mei 2008

Canada reserves the right to exclude the application of article 2, paragraph 1(d):

d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such a ship.

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.

Denemarken, 12 april 2002

1. In Act No. 228 of 21 April 1999, implementing the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976, Denmark has made use of the provision in Article 15, paragraph 1, of the said Convention, on the application of the Convention. Consequently, if a person, who has his habitual residence or principal place of business in a State Party to the Convention of 1976, but not to the Protocol of 1996, seeks to limit his liability before a Court in Denmark during the period where Denmark is both a State Party to the Convention of 1976 and the Protocol of 1996, Denmark will accept limitation of liability according to the Convention of 1976. For other persons seeking to limit liability, Denmark will apply the limitation of the Protocol of 1996.

2. Denmark intends to make use of the provision in the Convention on Limitation of Liability for Maritime Claims, 1976, Article 15, paragraph



2(b). According to this provision a State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to ships of less than 300 tons. Denmark will inform the Secretary-General of the International Maritime Organization of the limits of liability upon adoption of the specific provisions in the Danish Legislation.

Denemarken, 25 maart 2004

[...] The declaration made by Denmark upon deposit of its instrument of ratification of the Protocol of 1996, in which it was stated under point 2 that Denmark intended to make use of the provision in Article 15, paragraph 2(b), of the Convention according to which a State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to ships of less than 300 tons.

[...] with effect from the date of entry into force of the Protocol of 1996, the Danish limits of liability for ships of less than 300 tons will be 500,000 Units of Account as compared with the 1 million Units of Account stipulated in Article 6, paragraph 1(b)(i), of the Convention as amended by the Protocol.

Denemarken, 23 mei 2012

The Government of Denmark would like to make use of the option in article 15(3bis) of the 1976 Convention as amended by the 1996 Protocol to regulate, by specific provisions of national law, the system of limitation of liability to be applied to passengers. National law in Denmark will thus provide for a higher limit of liability in respect of claims arising from the loss of life or personal injury to passengers of a ship.

Duitsland, 3 september 2001

In accordance with Article 15 paragraph 2 first sentence (a) of the Convention as amended by the Protocol, the 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 of the Act Relating to the Private Law Aspects of Inland Navigation. Sections 5e to 5l of this Act provide as follows:

Section 5e

1) The limit of liability for the total of all claims in respect of personal injury arising on any distinct occasion shall be calculated as follows, so far as these are not claims within the meaning of sections 5h and 5k:

1. For a passenger ship or other ship not intended for the carriage of cargo, to the extent that a different amount does not arise under nos. 3 and 4, 200 Units of Account per cubic metre of displacement at maximum permitted draught shall be fixed, and, for ships equipped with mechanical means of propulsion, increased by 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 dead weight shall be fixed, and, for ships equipped with mechanical means of propulsion, increased by 700 Units of Account for each kW of the motorpower of the means of propulsion.

3. For a tug or pusher, 700 Units of Account for each kW of the motorpower of the means of propulsion shall be fixed.

4. For a dredger, crane, elevator and any other floating moveable plant or appliance of a similar nature, the value which the plant or appliance had at the time of the occasion giving rise to liability shall be fixed.

2) Where, at the time of the occasion giving rise to liability, a pusher was rigidly coupled with one or more pushed barges to form a pushed convoy, the amount to be fixed for the pusher in accordance with subsection 1 no. 3 shall be increased by 100 Units of Account per ton of the maximum dead weight of the push boat, to the extent that the pusher had not rendered salvage services or assistance services to one or more of these pushed barges. If the limit of liability is increased for the pusher pursuant to the first sentence, claims arising from the same occasion shall be reduced by the same amount for each pushed barge which was rigidly coupled with the pusher. However, the second sentence shall not apply to a claim of the party liable for the pusher against the party liable for one of the pushed barges rigidly coupled with the pusher for internal indemnification.

3) Subsection 2 shall apply analogously to a mechanically propelled ship which, at the time of the occasion giving rise to liability, was securely coupled with one or more vessels, which do not constitute plants or appliances within the meaning of sub-section 1 no. 4, as well as to coupled ships; subject, however, to the proviso that the amount to be fixed for the moving ship in accordance with subsection 1 be increased by 1000 Units of Account per cubic metre of displacement or per ton of the maximum deadweight of the other ships.

4) In any case, the limit of liability shall be not less than 200,000 Units of Account, to the extent that the vessel in question is not a barge which is only used for the purpose of transferring cargo in harbours.

#### Section 5f

1) The limit of liability for claims in respect of material damage arising on any distinct occasion shall be one half of the relevant limits of liability mentioned in section 5e to the extent that these are not claims within the meaning of section 5h.

2) On payment in respect of the maximum amount of liability referred to in sub-section 1, claims in respect of damage to harbour works, basins, waterways, locks, bridges and aids to navigation shall have priority over other claims.

#### Section 5g

Where the limit of liability for claims in respect of personal injury mentioned in section 5e is insufficient to pay these claims in full, the amount

calculated in accordance with subsection 1 shall be available for payment of the unpaid balance of claims under section 5e. The balance of claims in respect of personal injury shall rank rateably with claims in respect of material damage in this context; section 5f sub-section 2 is, in this respect, not to be applied.

Section 5h

1) For the total of all claims in respect of damage caused by third parties arising on any distinct occasion as a result of dangerous substances transported on the ship of the party liable, a separate limit of liability shall apply where the claims are not claims under section 22 of the Water Resources Management Act. The limit of liability shall be available solely for payment of the claims referred to in the first sentence. Dangerous substances within the meaning of the first sentence are listed in Annex A to the Regulations for the Carriage of Dangerous Substances on the Rhine (ADNR) (Annex 1 to the Ordinance on the Entry into Force of the Regulations for the Carriage of Dangerous Substances on the Rhine and the Regulations for the Carriage of Dangerous Substances on the Mosel of 21 December 1994, Federal Law Gazette II pp. 3830, 3831) in the respective version enacted in the Federal Republic of Germany.

- 2) The limit of liability applicable pursuant to subsection 1 shall be,
1. for the total of all claims in respect of personal injury arising on any distinct occasion, three times the limits of liability applicable pursuant to section 5e; subject, however, to minimum of 5 million Units of Account;
  2. for the total of all claims in respect of material damage arising on any distinct occasion, three times the limits of liability applicable pursuant to section 5f; subject, however, to a minimum of 5 million Units of Account.
- 3) On payment in respect of the maximum amount of liability referred to in sub-section 2 no. 2, claims in respect of damage to harbour works, basins, waterways, locks, bridges and aids to navigation shall have priority over other claims.
- 4) Where the limit of liability for claims in respect of personal injury applicable pursuant to subsection 2 no. 1 is insufficient to pay these claims in full, the amount calculated in accordance with subsection 2 no. 2 shall be available for payment of the unpaid balance of claims under subsection 2 no. 1. The balance of claims in respect of personal injury shall rank rateably with claims in respect of material damage in this context; subsection 3 is, in this respect, not to be applied.

Section 5i

Notwithstanding sections 5e, 5f subsection 1 and section 5h, a salvor within the meaning of section 5c subsection 1 no. 2 or a pilot working on board can limit his liability for the total of all claims in respect of personal injury arising on any distinct occasion to an amount of 200,000 Units of Account, and, for claims in respect of material damage, to an

amount of 100,000 Units of Account. Section 5f subsection 2 and section 5g shall apply analogously.

#### Section 5j

For the total of all claims arising from wreck removal, a separate limit of liability shall apply. This limit shall be one half of the limits of liability mentioned in section 5e. The limit of liability shall be available solely for payment of the claims arising from wreck removal.

#### Section 5k

1) In respect of the total of all claims arising on any distinct occasion for loss of life or personal injury to persons carried by that ship (passengers):

1. under a contract of passenger carriage, or
2. who, with the consent of the carrier, are accompanying a vehicle or live animals which are covered by a contract for the carriage of goods,

a separate limit of liability shall apply. This limit of liability shall be available solely for payment of claims made by those passengers.

2) The limit of liability for claims in respect of personal injury to passengers pursuant to subsection 1 shall be 60,000 Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate. If the number of passengers who may be carried is not specified, the limit of liability shall be determined on the basis of the number of passengers actually carried by the ship at the time of the occasion giving rise to liability. However, the limit of liability shall be no less than 720,000 Units of Account and shall not exceed 12 million Units of Account.

3) Notwithstanding subsection 2, the limit of liability for a salvor with the meaning of section 5c subsection 1 no. 2 or a pilot working on board shall be 720,000 Units of Account.

#### Section 5l

The Unit of Account referred to in this chapter shall be the Special Drawing Right as defined by the International Monetary Fund. The limits of liability mentioned in sections 5e to 5k shall be converted into German Marks according to the value of the German Mark at the date the limitation fund shall have been constituted or at the date of the provision of security permitted by a court. If the limit of liability is asserted by way of defence pursuant to section 5d subsection 3, the date of the court decision shall be decisive for the date of conversion. The value of the German Mark in terms of the Special Drawing Right shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions.

In accordance with Article 15 paragraph 2 first sentence (b) of the Convention as amended by the Protocol, the limit of liability for ships with a tonnage of up to 250 tons is regulated by specific provisions of the domestic 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 accord-

ance with Article 6 paragraph 1 (b) of the Convention is one half of the limit of liability applicable to a ship with a tonnage of 2,000 tons. Moreover, the Federal Republic of Germany reserves the right, in accordance with Article 18 paragraph 1 of the Convention as amended by the Protocol, to exclude the application of Article 2 paragraph 1 (d) and (e) of the Convention as amended by the Protocol of 1996.

Estland, 16 maart 2011

Pursuant to paragraph 1(b) of article 18 of the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976, the Republic of Estonia reserves the right to exclude 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 amendments or protocol related thereto.

Frankrijk, 24 april 2007

Pursuant to the provisions of article 7 of this Protocol amending paragraph 1 (a), article 18 of the Convention on Limitation of Liability for Maritime Claims, 1976, the Government of the Republic of France reiterates its decision, declared on depositing its instrument of approval of the above-mentioned Convention, to exclude all entitlement to limitation of liability for claims relating to paragraphs 1 (d) and 1 (e), article 2 of the Convention.

IJsland, 17 november 2008

In accordance with Article 18, paragraph 1, of the Convention on Limitation of Liability for Maritime Claims of 19 November 1976, as amended by Article 7 of the Protocol, Iceland excludes the application of Article 2, paragraphs 1(d) and (e).

In accordance with Article 18, paragraph 1, of the Convention on Limitation of Liability for Maritime Claims of 19 November 1976, as amended by Article 7 of the Protocol, Iceland excludes 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 of any amendment of protocol thereto.

The other provisions of the Convention shall be inviolably observed.

Kroatië, 15 mei 2006

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

- a) to exclude the application of article 2 paragraphs 1(d) and (e);
- b) to exclude claims for damage within the meaning of the International Convention of Liability and Compensation for Damage in Connection

with the Carriage of Hazardous and Noxious Substances by Sea, 1996 or of any amendment or protocol thereto.

Litouwen, 14 september 2007

[...] 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 Lithuania hereby excludes:

- 1) the application of subparagraphs d) and e) of paragraph 1 of Article 2 of the Convention on Limitation of Liability for Maritime Claims, 1976;
- 2) 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.

Malta, 13 februari 2004

a) Pursuant to Article 18(1)(a) and (b) of the 1976 Convention as amended by the 1996 Protocol, Malta reserves the right to exclude the application of Article 2, paragraphs 1(d) and (e), and to exclude 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, which arise from occurrences which take place after the coming into force of that Convention as part of the Law of Malta.

b) Malta intends to make use of the option provided for in Article 15(2)(b) of the 1976 Convention as amended by the 1996 Protocol to regulate by specific provisions of national law the system of limitation of liability to be applied to ships less than 300 tons. National law in Malta will apply the provisions of the 1976 Convention as amended by the 1996 Protocol to such ships. However, for such ships, Article 6 will have effect as if Article 6(1)(a)(i) refers to 1,000,000 units of account and Article 6(1)(b)(i) refers to 500,000 units of account.

c) Malta intends to make use of the option provided for in article 15(3bis) of the 1976 Convention as amended by the 1996 Protocol to regulate by specific provisions of national law the system of limitation of liability to be applied to passengers. To this effect, national law in Malta implementing the 1976 Convention as amended by the 1996 Protocol will not apply to claims covered by the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, which arise from occurrences which take place after the coming into force of that Convention as part of the Law of Malta.

**Nederlanden, het Koninkrijk der,** 23 december 2010

The Kingdom of the Netherlands reserves the right, pursuant to paragraph 1 of Article 18 of the Convention on Limitation of Liability for Maritime Claims, 1976, amended by article 7 of the Protocol of 1996, to exclude:

- 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 of any amendment or protocol related thereto.

Noorwegen, 17 oktober 2000

In accordance with article 18 paragraph 1 of the Convention on Limitation of Liability for Maritime Claims, 1976 as amended by article 7 of the Protocol of 1996, Norway reserves its right to exclude 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 of any amendment or protocol thereto.

Polen, 17 november 2011

a) Pursuant to Article 18(1)(a) and (b) of the 1976 Convention as amended by the 1996 Protocol, the Republic of Poland hereby excludes the application of Article 2, paragraphs 1(d) and (e), and 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 of any amendment or protocol related thereto, which arise from occurrences which take place after the entry into force of that Convention with regard to the Republic of Poland.

b) The Republic of Poland intends to make use of the option provided for in article 15(2)(b) of the 1976 Convention as amended by the 1996 Protocol to regulate by specific provisions of national law the system of limitation of liability to be applied to ships less than 300 tons. The Republic of Poland will inform the Secretary-General of IMO of the limits of liability upon adoption of the specific provisions in the Polish legislation.

Polen, 5 november 2012

In accordance with article 15, paragraph 2(b) of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the Protocol of 1996, the Republic of Poland hereby informs that the following limits of liability to ships of less than 300 tones are applied in Poland as from 27 October, 2012:

- 1) 200 000 units of accounts – in respect of claims for loss of life or personal injury,  
and
- 2) 100 000 units – in respect of any other claims.

Russische Federatie, 25 mei 1999

The Russian Federation reserves the right, pursuant to paragraph 1 of article 18 of the Convention on Limitation of Liability for Maritime Claims, 1976, amended by the Protocol of 1996, to exclude:

- a) the provisions of subparagraphs (d) and (e) of paragraph 1 of article 2;
- b) claims related to damage in 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.

Statement

The Russian Federation pursuant to subparagraph (e) of article 3 of the Convention on Limitation of Liability for Maritime Claims, 1976, amended by the Protocol of 1996, will apply the legislation of the Russian Federation on compensation for injury to persons or property, in full, to claims for personal injury or property caused to employees of shipowners or rescuers, arising from liabilities related to the vessel or rescue operations, as well as to claims by their heirs, dependants or persons entitled to be maintained by them, if the contract of employment between the shipowner or rescuer and those employees is subject to the law of the Russian Federation.

The Russian Federation makes use of the possibility, provided in paragraph 3 of article 15 of the Convention on Limitation of Liability for Maritime Claims, 1976, amended by the Protocol of 1996, and will apply the law of the Russian Federation on compensation for damage to persons or personal property, in full, to claims for compensation for damage to persons or personal property, directly connected with the operation of the ship or with rescue operations, if the shipowner and the person concerned or rescuer and the person concerned are organizations or citizens of the Russian Federation.

The Russian Federation makes use of the possibility, provided in paragraph 3 of article 15 of the Convention on Limitation of Liability for Maritime Claims, 1976, amended by the Protocol of 1996, and will apply the law of the Russian Federation on compensation for damage to the life or health of citizens, in full, to claims for compensation for damage caused to the life or health of passengers on a ship if the shipowner and passenger are organizations or citizens of the Russian Federation.

Spanje, 10 januari 2005

1. In accordance with paragraph 2(b), article 15 of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the Protocol of 1996, the limit of liability for ships not exceeding 300 gross tonnage shall be regulated by specific provisions of the national law of the Kingdom of Spain, such that, in respect of those ships, the limit of liability, calculated in accordance with paragraph I (a) and (b), article 6 of the Convention, shall be half of the liability limit applicable to a ship not exceeding 2,000 gross tonnage.



2. The Kingdom of Spain, in accordance with paragraph 1, article 18 of the Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the Protocol of 1996, reserves the right not to apply paragraph 1(d) and (e), article 2 of the Convention.

Claims relating to paragraph 1 (d) and (e), article 2 of the Convention shall not have entitlement to limitation of liability and shall be subject to the provisions of national law, specifically article 107 of the State Ports and Merchant Marine Act No.27/1992 of 24 November 1992.

Turkije, 19 juli 2010

The republic of Turkey reserves the right, pursuant to paragraph 1 of article 18 of the Convention on Limitation of Liability for Maritime Claims, 1976, amended by article 7 of the Protocol of 1996, to exclude:

- 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 of any amendment or protocol related thereto.

Verenigd Koninkrijk, 11 juni 1999

a) Pursuant to article 18(1)(a) and (b) of the 1976 Convention as amended by the 1996 Protocol, the United Kingdom reserves the right to exclude the application of article 2, paragraphs 1(d) and (e), and to exclude 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.

b) The United Kingdom intends to make use of the option provided for in article 15(2)(b) of the 1976 Convention as amended by the 1996 Protocol to regulate by specific provisions of national law the system of limitation of liability to be applied to ships less than 300 tons. National law in the United Kingdom will apply the provisions of the 1976 Convention as amended by the 1996 Protocol to such ships. However, for such ships, article 6 will have effect as if article 6(1)(a)(i) referred to 1,000,000 Units of Account and article 6(1)(b)(i) referred to 500,000 Units of Account.

c) The United Kingdom intends to make use of the option provided for in article 15(3bis) of the 1976 Convention as amended by the 1996 Protocol to regulate by specific provisions of national law the system of limitation of liability to be applied to passengers. National law in the United Kingdom implementing the 1976 Convention as amended by the 1996 Protocol will provide for no limit of liability in respect of claims arising from the loss of life or personal injury to passengers of a ship. However, separate limits may continue to apply to a liability for such claims under national law based on the provisions of the Convention relating to the Carriage of Passengers and their Luggage by Sea.

The United Kingdom's ratification of the Protocol of 1996 will not be extended to the Overseas Territories of the United Kingdom until such

time as the United Kingdom's denunciation of the 1976 Convention is extended to them.

Verenigd Koninkrijk, 14 december 2009 en 31 januari 2011

The reservations made by the Government of the United Kingdom of Great Britain and Northern Ireland upon ratification with respect to articles 18(1)(a) and (b), 2(1)(d) and (e), 15(2)(b), 6(1)(a)(i) and (1)(b)(i), and 15(3bis) of the 1976 Convention as amended by the Protocol of 1996 will apply in respect to the Bailiwick of Jersey and the Cayman Islands.

#### G. INWERKINGTREDING

Zie *Trb.* 2011, 46.

De wijzigingen van 19 april 2012 van het Protocol worden ingevolge artikel 8, zevende lid, van het Protocol geacht te zijn aanvaard na het verstrijken van een periode van 18 maanden na de datum van kennisgeving, dat wil zeggen 8 december 2013, en zullen ingevolge artikel 8, achtste lid, van het Protocol op 8 juni 2015 in werking treden, tenzij tenminste een vierde van de Staten die op de datum van aanneming van deze wijzigingen Verdragsluitende Staten waren, de Secretaris-Generaal voor 8 december 2013 hebben medegedeeld dat zij deze wijzigingen niet aanvaardden.

#### J. VERWIJZINGEN

Zie *Trb.* 1997, 300, *Trb.* 2006, 17 en *Trb.* 2011, 46.

Titel : Handvest van de Verenigde Naties;  
San Francisco, 26 juni 1945

Laatste *Trb.* : *Trb.* 2012, 200

Titel : Overeenkomst betreffende het Internationale Monetair Fonds;  
Washington, 27 december 1945

Laatste *Trb.* : *Trb.* 2011, 141

Titel : Internationaal Verdrag inzake hulpverlening, 1989;  
Londen, 28 april 1989

Laatste *Trb.* : *Trb.* 2011, 61

Uitgegeven de *vijftiende* februari 2013.

*De Minister van Buitenlandse Zaken,*

F.C.G.M. TIMMERMANS