

No. 21114

MULTILATERAL

**Convention on the registration of inland navigation vessels
(with annexed protocols). Concluded at Geneva on
25 January 1965**

Authentic texts: French and Russian.

Registered ex officio on 24 June 1982.

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**Convention relative à l'immatriculation des bateaux de
navigation intérieure (avec protocoles annexés). Con-
clue à Genève le 25 janvier 1965**

Textes authentiques: français et russe.

Enregistrée d'office le 24 juin 1982.

[TRANSLATION—TRADUCTION]

CONVENTION¹ ON THE REGISTRATION OF INLAND NAVIGATION VESSELS

Article 1. 1. For the purposes of this Convention:

(a) The expression “registration office” means any office which keeps a register such as is referred to in article 2 of this Convention;

(b) The term “vessel” shall be deemed to include hydroplanes, ferryboats, dredges, cranes, elevators and all other floating appliances or plant of a similar nature.

2. It is expressly stipulated that the expression “owner” of the vessel used in this Convention shall be interpreted according to the national law of the Contracting Party in one of whose registers the vessel is registered.

Article 2. 1. The Contracting Parties undertake to keep registers for the registration of inland navigation vessels. These registers shall be established in accordance with the national law and shall conform to the provisions of this Convention.

2. Each of the Contracting Parties shall determine the conditions governing and the obligations arising from registration in its registers insofar as those conditions and obligations are not laid down in this Convention.

3. Any person shall be entitled, on application and on payment of the charges, to obtain certified extracts from the entries in the register and, insofar as the entries refer to annexed documents deposited with the registration office, certified extracts from those documents.

Article 3. 1. A Contracting Party may not allow a vessel to be registered in its registers unless at least one of the following conditions is fulfilled:

(a) The place from which the operation of the vessel is habitually directed must be situated in the territory of the said Contracting Party;

(b) Where the owner of the vessel is an individual, he must be a national of, or habitually resident in, the territory of the said Contracting Party;

(c) Where the owner of the vessel is a body corporate or a commercial company, its registered office or principal place of business management must be situated in the territory of the said Contracting Party;

¹ Came into force for the following States on 24 June 1982, i.e., on the ninetieth day after five of the countries members of the United Nations Economic Commission for Europe had deposited their instruments of ratification or accession with the Secretary-General of the United Nations, in accordance with article 17 (1):

State	Date of deposit of the instrument of ratification	
Austria*	26 August	1977
France*	13 June	1972
Luxembourg*	26 March	1982
Netherlands*	14 November	1974
(For the Kingdom in Europe excluding Protocols Nos. 1 and 2.)		
Switzerland*	14 January	1976

* For the texts of the declarations made upon ratification, see p. 158 of this volume.

subject to the proviso, however, that conditions (b) and (c) above shall not be deemed to be fulfilled in respect of a jointly-owned vessel unless the individuals or bodies corporate fulfilling these conditions hold not less than a half-share in the ownership of the vessel.

2. Each Contracting Party undertakes to require, subject to the provisions of article 4, paragraphs 1 and 2, of this Convention, every vessel fulfilling the conditions prescribed by its laws, in conformity with the provisions of paragraph 1 of this article, for the acceptance of a vessel for registration to be registered in its registers. This undertaking on the part of the Contracting Parties shall not, however, apply either to cargo vessels having a dead-weight of less than 20 metric tons or to other vessels having a displacement of less than 10 cubic metres.

3. Each Contracting Party agrees to take the necessary steps to make it impossible for a vessel to be registered simultaneously in more than one of its registers. This provision shall not, however, preclude the establishment of central registers in which local registration entries are reproduced.

Article 4. 1. Where a vessel fulfils such conditions that, under the national laws applicable, it is registrable in the registers of more than one Contracting Party, it may not be registered in the registers of more than one such Party, and the owner shall have the right to choose the country in which the vessel is to be registered.

2. No Contracting Party may require registration in its registers of a vessel which fulfils the conditions for registration laid down in its laws if the said vessel is registered in a country which is not a Contracting Party and, in that country, fulfils any of the conditions stipulated in article 3, paragraph 1, of this Convention.

3. Nevertheless, each Contracting Party shall have the right to require individuals who are its nationals, and bodies corporate and commercial companies which have their registered office in its territory, to register in its registers vessels in which they own more than a half-share, if their habitual residence or, in the case of bodies corporate or commercial companies, their principal place of business management is in its territory.

Article 5. 1. Each Contracting Party may lay down the conditions under which a vessel under construction in its territory may or must be registered in its registers. Article 8 of this Convention shall not apply to such registrations.

2. A vessel under construction in the territory of a Contracting Party may not be registered elsewhere than in the registers of that Contracting Party.

Article 6. 1. The obligation laid down in article 3, paragraph 2, of this Convention does not relate to vessels which have not been registered during construction in conformity with the provisions of article 5 of this Convention and which, on completion of their construction, proceed to the country in which they are to be registered.

2. The obligation laid down in article 3, paragraph 2, of this Convention likewise does not relate to vessels originating from a country not a Contracting Party and proceeding to the country in which they are to be registered.

Article 7. 1. All entries relating to the same vessel shall be made in the same register.

2. Every entry in a register shall be dated; the same also applies to alterations or cancellations of previous entries.

Article 8. 1. Registration shall be effected on the application of the owner of the vessel, who shall submit the necessary documents in support. The application must state either that the vessel is not registered elsewhere or, if the vessel is already registered, at what office it is registered; it must also indicate any office at which the vessel has been registered previously.

2. Each registration office shall enter each vessel registered by it under a separate number, these numbers forming an uninterrupted series.

3. The entry in the register shall state at least the following particulars:

- (a) Name or other designation of the vessel;
- (b) Type of vessel, materials of which the hull is made, year and place of construction and, in the case of self-propelled vessels, even when only equipped with an auxiliary engine, type and horsepower of the engine;
- (c) Dead-weight (in metric tons) or displacement (in cubic metres) as shown in the tonnage certificate, or, where no tonnage certificate is required, as established from the particulars supplied and by the method used for calculating tonnage from such particulars in the country where registration is applied for;
- (d) Name and address or domicile of the owner and, in the case of joint ownership, share of each joint owner.

Article 9. 1. If changes occur in the particulars recorded in the register in accordance with article 8 of this Convention, application for the recording of the changes shall be made to the registration office by the owner, who shall submit the necessary documents in support, together with the certificate provided for in article 12 of this Convention and the duplicate, if one has been issued.

2. Nevertheless, each Contracting Party may provide in its legislation that, when a vessel changes hands, application for the recording of the change of ownership may or shall be made by the person acquiring the vessel.

3. If the vessel is lost, is broken up or becomes permanently unserviceable, the owner shall be required to make application to the registration office for the recording of this fact in the register; he shall provide evidence in support of his application and submit the certificate provided for in article 12 of this Convention together with the duplicate, if one has been issued.

Article 10. 1. Each Contracting Party shall determine the circumstances in which the registration of a vessel registered in its registers may or must be cancelled.

2. Nevertheless, if the vessel has been the subject of entries in favour of third parties, the registration may only be cancelled if none of the beneficiaries of these entries oppose it.

Article 11. 1. A vessel registered in a register of a Contracting Party may be registered in a register of another Contracting Party only by the following procedure for the transfer of registration:

(a) The registration office to which the owner applies for the new registration shall make the entries applied for, including those in favour of third parties, but shall state in the register that the entries shall not take effect until the previous registration of the vessel is cancelled;

(b) The registration office in whose register the vessel was previously registered shall cancel the registration on the production of an extract from the register of the new registration and shall issue a certificate of cancellation specifying the date of the cancellation; save in the case provided for by article 10, paragraph 2, of this Convention, and in cases where the transfer of registration would be incompatible with the requirements of public safety, the office of previous registration may refuse to cancel the registration only if, by virtue of article 4, paragraph 3, of this Convention, the vessel must be registered in its register or in another register of the country;

(c) On the production of the certificate of cancellation, the office effecting the new registration shall strike out the statement entered in its register in accordance with sub-paragraph (a) of this paragraph, shall enter the date of cancellation of the previous registration, and shall issue the certificate provided for in article 12 of this Convention.

2. For the purposes of the application of this article, the registration offices of the Contracting Parties are authorized to correspond directly with each other. Such correspondence may be drafted in the language of the sending office.

Article 12. 1. In respect of every vessel registered, the registration office shall issue a certificate reproducing the entries made in the register in pursuance of article 8, paragraphs 2 and 3, of this Convention. The certificate shall identify the issuing office and the Contracting Party to which the office belongs.

2. If entries which have been reproduced in the certificate are altered in the register in pursuance of article 9 of this Convention, the certificate shall itself be altered.

3. The certificate shall be produced whenever required by the competent authorities.

4. In cases where duplicates are issued by the registration office, a duplicate may stand in lieu of the certificate. A duplicate shall be marked as such, and its issue shall be mentioned in the certificate.

Article 13. This Convention shall not be applicable to vessels exclusively employed by the public authorities.

Article 14. 1. Each Contracting Party shall take the necessary measures to ensure that, on the expiry of a period of one year from the entry into force of this Convention with respect to that Party,

(a) The entries made in its registers and the certificates issued by its offices before that date are brought into conformity with the provisions of this Convention;

(b) New registrations or cancellations of registrations in pursuance of the provisions of article 3 of this Convention are duly carried out.

2. As a transitional measure, certificates issued by a Contracting Party before the expiry of the relevant period mentioned in paragraph 1 of this article for a vessel registered in its registers shall, until the expiry of the above-mentioned period, be accepted as equivalent to the certificates provided for under article 12 of this Convention.

Article 15. 1. Any country may, at the time of signing this Convention or of depositing its instruments of ratification or accession, or at any subsequent

time, declare that it accepts Protocol No. 1 concerning rights *in rem* in inland navigation vessels, annexed hereto; at the time of such declaration, or at any subsequent time, it may declare that it also accepts Protocol No. 2 on attachment and forced sale of inland navigation vessels, annexed hereto.

2. Protocol No. 1 shall be deemed to be an integral part of the Convention as between the Contracting Parties which have made declarations concerning that Protocol under paragraph 1 of this article; similarly, Protocol No. 2 shall be deemed to be an integral part of the Convention as between the Contracting Parties which have made declarations concerning that Protocol also. Nevertheless, if the declaration of a country is made after that country has become a Contracting Party to the Convention, the Protocol to which the declaration relates shall not be deemed to be an integral part of the Convention as between that Contracting Party and the other Contracting Parties which have made a like declaration until the expiry of the ninetieth day after notice of the declaration has been given to the Secretary-General of the United Nations.

3. Any Contracting Party which has made a declaration under paragraph 1 of this article may withdraw the same at any time by notice addressed to the Secretary-General; the withdrawal of a declaration concerning Protocol No. 1 shall imply the withdrawal of any declaration which may have been made concerning Protocol No. 2. The Protocol or Protocols in respect of which a Contracting Party notifies the withdrawal of its declaration shall cease to have effect for that Contracting Party twelve months after the date of the notice.

Article 16. 1. This Convention is open for signature or accession by countries members of the Economic Commission for Europe and countries admitted to the Commission in a consultative capacity under paragraph 8 of the Commission's terms of reference.

2. Such countries as may participate in certain activities of the Economic Commission for Europe in accordance with paragraph 11 of the Commission's terms of reference may become Contracting Parties to this Convention by acceding thereto after its entry into force.

3. This Convention shall be open for signature until 31 December 1965 inclusive. Thereafter, it shall be open for accession.

4. This Convention shall be ratified.

5. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 17. 1. This Convention shall come into force on the ninetieth day after five of the countries referred to in article 16, paragraph 1, have deposited their instruments of ratification or accession.

2. With respect to any country which ratifies the Convention or accedes to it after five countries have deposited their instruments of ratification or accession, this Convention shall enter into force on the ninetieth day after the said country has deposited its instrument of ratification or accession.

Article 18. 1. Any Contracting Party may denounce this Convention by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect twelve months after the date of receipt by the Secretary-General of the notification of denunciation.

Article 19. This Convention shall cease to be in force only if the number of Contracting Parties is reduced to less than two.

Article 20. Any dispute between two or more Contracting Parties relating to the interpretation or application of this Convention which the Parties are unable to settle by negotiation or other means may, at the request of any one of the Contracting Parties concerned, be referred for settlement to the International Court of Justice.

Article 21. 1. Any country may, at the time of signing this Convention or of depositing its instrument of ratification or accession, declare

- (a) That it does not consider itself bound by article 20 of this Convention insofar as it concerns the referral of disputes to the International Court of Justice; other Contracting Parties shall not be bound by article 20 with respect to any Contracting Party which has entered such a reservation;
- (b) That its registration offices will supply extracts as defined under article 2, paragraph 3, of this Convention only to applicants who produce evidence of a legitimate interest in obtaining such extracts;
- (c) That it will not apply this Convention to vessels navigating on lakes and adjacent sections of waterways and belonging to national railway administrations or operating under licence;
- (d) That it will not apply this Convention to vessels used exclusively for a non-commercial government service.

2. Any country which, in pursuance of article 15 of this Convention, declares that it accepts Protocol No. 1 annexed hereto, may at the same time enter the reservation to that Protocol authorized by the said Protocol.

3. Except for the reservations referred to in paragraph 1 of this article, no reservation to this Convention shall be permitted. Countries making a declaration under article 15 of this Convention may not enter any reservation to the Protocol or Protocols annexed hereto which they accept by their declaration other than the reservation referred to in paragraph 2 of this article.

4. Any Contracting Party which has entered a reservation under paragraph 1 or paragraph 2 of this article may at any time withdraw the reservation by notifying the Secretary-General of the United Nations.

Article 22. 1. After this Convention has been in force for three years, any Contracting Party may, by notification addressed to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the Convention. The Secretary-General shall notify all the Contracting Parties of the request he has received, requesting them to inform him, within a period of four months, whether they agree to the convening of the conference; he shall convene a review conference if not less than one-fourth of the total number of Contracting Parties have requested the convening of this conference or, within a period of four months, have signified their agreement thereto.

2. Nevertheless, if the convening of a conference is requested in accordance with the procedure set forth in paragraph 1 of this article only for the purpose of reviewing the Protocols annexed to this Convention or one of them, this conference shall be convened:

- If not less than one-half of the total number of Contracting Parties have requested the convening of the conference or, within a period of four months, have signified their agreement thereto;
- Or if at least two and not less than one-fourth of the Contracting Parties bound by the Protocol or Protocols in question have requested the convening of the conference or, within a period of four months, have signified their agreement thereto.

3. For a proposed amendment to one of the Protocols annexed to this Convention to be deemed accepted, it shall suffice that it be accepted by all the Contracting Parties bound by the Protocol in question.

Article 23. The Secretary-General of the United Nations shall notify the countries referred to in article 16, paragraph 1, of this Convention and the countries which have become Contracting Parties under article 16, paragraph 2, of:

- (a) Declarations and notifications received in accordance with article 15, paragraphs 1 and 3;
- (b) Ratifications and accessions under article 16;
- (c) The dates of entry into force of this Convention in accordance with article 17;
- (d) Denunciations under article 18;
- (e) The termination of this Convention in accordance with article 19;
- (f) Declarations and notifications received in accordance with article 21, paragraphs 1, 2 and 4.

Article 24. 1. This Convention is done in a single copy, in the French and Russian languages, the two texts being equally authentic.

2. Any country may, at the time when it deposits its instrument of ratification of the present Convention or its instrument of accession, deposit with the Secretary-General of the United Nations a translation of the text of the Convention in a language other than French or Russian or declare that it adopts a translation which has already been deposited. Such deposit or such declaration shall signify that, for the country or countries which have deposited the text in question or have declared that they adopt it, that text shall be deemed to constitute an official translation, but in the event of a discrepancy between the aforesaid text and the French and Russian texts, only the latter shall be authoritative. The Secretary-General shall communicate the texts deposited, and the names of the countries which have deposited them or declared that they adopt them, to all the countries which have signed this Convention or deposited their instrument of accession thereto.

Article 25. After 31 December 1965 the original of this Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified copies thereof to each of the countries referred to in article 16, paragraphs 1 and 2 of this Convention.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Geneva, this twenty-fifth day of January, one thousand nine hundred and sixty-five.

For Austria:

18 June 1965
TREU

For Belgium:

Belgium enters the reservations provided for in article 21, paragraph 1 (b), (c) and (d).
31 December 1965
ROTHSCHILD

For France:

France declares that it accepts Protocol No. 1, annexed hereto, concerning rights *in rem* in inland navigation vessels, and Protocol No. 2, also annexed hereto, concerning attachment and forced sale of inland navigation vessels.
B. DE CHALVRON
Geneva, 31 December 1965

For Luxembourg:

14 December 1965
IGNACE BESSLING

For the Kingdom of the Netherlands:

JOHAN KAUFMANN
30 December 1965

For the Federal Republic of Germany:

The Federal Republic of Germany declares that:
(1) German registration offices will supply extracts from documents deposited with them and referred to by the entries in the register only to applicants who produce evidence of a legitimate interest in obtaining such extracts;
(2) It will not apply the Convention to vessels navigating on lakes and adjacent sections of waterways and belonging to the German Federal Railways.
5 November 1965
VON KELLER

For Switzerland:

Switzerland enters the following reservations pursuant to article 21, paragraph 1 (b), (c) and (d), of the Convention:

Ad (b): Its registration offices will supply extracts as specified in article 2, paragraph 3, of the Convention only to applicants who produce evidence of a legitimate interest in obtaining such extracts;

Ad (c): It will not apply the Convention to vessels navigating on lakes and adjacent sections of waterways and belonging to national railways administrations or operating under licence;

Ad (d): It will not apply the Convention to vessels used exclusively for a non-commercial government service.

Switzerland declares that it accepts Protocol No. 1 concerning rights *in rem* in inland navigation vessels and declares that, pursuant to article 19 of the said Protocol and to article 21, paragraph 2, of the Convention, it will not apply the provisions of article 14, paragraph 2 (*b*), of the said Protocol in the event of a forced sale in its territory.

28 December 1965

J. BURCKHARDT

For Yugoslavia:

17.V.1965

STANISLAV KOPEČOK

PROTOCOL No. 1 CONCERNING RIGHTS *IN REM* IN INLAND NAVIGATION VESSELS

Chapter I. GENERAL PROVISIONS

Article 1. In this Protocol the term "Contracting Parties" means those of the Contracting Parties to the Convention on the Registration of Inland Navigation Vessels which are bound by this Protocol.

Article 2. This Protocol shall apply to rights *in rem* in any vessel used in inland navigation, even if it is under construction, has run aground or has sunk, which is registered in a register of a Contracting Party.

Article 3. The only rights *in rem* of which a vessel can be the object are ownership, usufruct, mortgages and liens; but the Contracting Parties may attach the effect of a right *in rem* to attachment.

Chapter II. OWNERSHIP, USUFRUCT AND MORTGAGES

Article 4. 1. The Contracting Parties shall arrange for the entry of the rights of ownership, usufruct or mortgage in a vessel in the register in which that vessel is registered.

2. Separate registers kept for the entry of rights *in rem* in vessels shall be deemed to be part of a register of vessels, in which such vessels are registered, provided that the entries relating to each vessel include cross-references between the registers of rights *in rem* and the register of vessels.

Article 5. Rights of ownership, usufruct or mortgage entered in a register of one of the Contracting Parties shall be recognized in the territory of the other Contracting Parties in the manner specified in this chapter.

Article 6. In any case in which the order of priority of the rights *in rem* referred to in this chapter has to be settled, the said order shall be that of the entries in the register.

Article 7. The entry relating to a registered mortgage shall specify at least the following particulars:

- (a) The amount of the mortgage and, if the interest is added to that amount, the rate of interest;
- (b) The name and the address or domicile of the mortgagee;
- (c) The circumstances in which payments become due, or a reference to the document, deposited with the registration office, which determines those circumstances.

Article 8. Where, in accordance with the law of the Contracting Party in whose register a mortgage has been registered, a mortgage is put in possession of a vessel in execution of a clause, recorded in the register, of the mortgage deed, the rights conferred upon him by the writ of possession in the territory of that Contracting Party shall be recognized as an effect of the mortgage in the territory of all the other Contracting Parties, provided that the writ of possession is recorded in the register.

Article 9. 1. A mortgage shall extend to all objects permanently attached to the vessel by virtue of the purpose they serve and belonging to the owner of the vessel; nevertheless, the law of the country of registration may permit agreements between the parties which provide otherwise.

2. If, under the law of the country in which the vessel is registered, the mortgage extends to the freight charges or any compensation payable under a policy of insurance of the vessel covering loss or damage, it shall be recognized, for the purposes of article 5 of this Protocol, as extending to such freight charges or such compensation.

3. Recognition of a mortgage under article 5 of this Protocol shall not extend, apart from the vessel itself, to any items other than those specified in paragraphs 1 and 2 of this article.

Article 10. The rules relating to the rights *in rem* referred to in this chapter, except those determined by this Protocol and those applying to the transfer of ownership or to the extinction of other rights *in rem* by a forced sale, shall be determined by the law of the country of registration.

Chapter III. LIENS

Article 11. The following claims shall be protected by a lien on the vessel ranking ahead of mortgages:

- (a) In the case of attachment, claims in respect of the cost of upkeep after attachment, including repairs necessary for the maintenance of the vessel;
- (b) Claims arising from contracts of employment of the master or any other person employed in the service of the vessel, on the understanding that in the case of salaries, wages or other remuneration, a lien shall exist only with regard to the amount due for a period not exceeding six months;
- (c) Claims in respect of assistance, salvage or the vessel's contributions under the rules of general average.

Article 12. 1. Any Contracting Party may provide in its legislation that in the case of forced sale of a vessel legal costs incurred with a view to the sale shall be paid out of the proceeds of the sale before these are distributed to the creditors, including the beneficiaries of liens or mortgages; the legal costs in question may include custody charges and the cost

of distributing the proceeds of the sale but not costs incurred in obtaining a writ of execution.

2. Any Contracting Party may provide in its legislation that in the case of the sale of a vessel which has run aground, is disabled or has sunk and which the public authorities have had removed in the public interest, the costs of removal shall be paid out of the proceeds of the sale of the vessel, ranking ahead of the claims of creditors, including the beneficiaries of liens or mortgages.

Article 13. Each Contracting Party may provide in its legislation that claims other than those listed in article 11 of this Protocol shall be protected by a lien on the vessel ranking ahead of mortgages; but

- (a) In respect of a vessel registered in one of its registers, these claims shall be protected in the territory of another Contracting Party by a lien ranking ahead of mortgages only if they are also protected by such a lien under the law of that other Contracting Party;
- (b) In respect of a vessel registered in the register of another Contracting Party, these claims shall be protected in the territory of the first Contracting Party by a lien ranking ahead of mortgages only if they are also protected by such a lien under the law of that other Contracting Party.

Article 14. 1. Where a claim is protected by a lien under article 11 of this Protocol, the lien shall extend to the interest on the claim and to the costs incurred in obtaining a writ of execution.

2. The liens listed in article 11 of this Protocol shall extend to:

- (a) All objects permanently attached to the vessel by virtue of the purpose they serve and belonging to its owner;
- (b) Compensation payable in respect of the loss of the vessel or any unrepaired material damage to the vessel, including that portion of payment for assistance, salvage or refloating or compensation for general average which represents unrepaired material damage, even after transfer or pledging of such compensation or payment. Nevertheless such compensation shall not include compensation payable by virtue of an insurance policy on the vessel covering loss or damage.

3. Any Contracting Party may provide in its legislation that, in the event of a forced sale in its territory, the liens listed in article 11 of this Protocol shall extend to freight charges.

Article 15. 1. The claims protected by lien listed in article 11 of this Protocol shall rank ahead of those referred to in article 13.

2. The claims protected by lien listed in article 11 of this Protocol shall rank in the order in which they are listed; those mentioned in article 11, sub-paragraph (c), shall rank in the reverse order of the dates on which they arose; if the proceeds for distribution are insufficient, they shall be divided *pro rata* among creditors whose claims are of the same rank.

Article 16. The claims listed in article 11 of this Protocol shall give rise to a lien, even if they arise during the operation of the vessel by a person other than the owner, save where the owner has been dispossessed by an unlawful act and, in addition, the claimant has not acted in good faith.

Article 17. 1. The liens listed in article 11 of this Protocol shall be extinguished at the end of one year if the beneficiary of the lien has not exercised his rights through the courts. This period shall run from the date on which payment of the claim becomes due. In the case of claims in respect of assistance or salvage, however, it shall run from the date on which the operations are completed.

2. Upon the extinction of the claim, the lien is likewise extinguished.

Article 18. The law of the country of registration shall govern:

- (a) In the case of a voluntary sale of the vessel, the conditions and formalities observable for the extinction of the liens listed in article 11 of this Protocol;
- (b) The scope, respective ranks and extinction of the liens referred to in article 13 of this Protocol;
- (c) Any other matter concerning the liens referred to in article 11 or article 13 which is not governed by this Protocol.

Chapter IV. RESERVATIONS

Article 19. Pursuant to article 21, paragraph 2, of the Convention, any country may declare that it will not apply the provisions of article 14, paragraph 2(b), of this Protocol in the event of a forced sale in its territory.

PROTOCOL No. 2 CONCERNING ATTACHMENT AND FORCED SALE OF INLAND NAVIGATION VESSELS

Chapter I. GENERAL PROVISIONS

Article 1. In this Protocol, the term

(a) “Contracting Parties” means those of the Contracting Parties to the Convention on the Registration of Inland Navigation Vessels which are bound by this Protocol;

(b) “Attachment” means any emergency measure authorized in accordance with article 10 of this Protocol to ensure, subject to the provisions of article 18 of this Protocol, the physical arrest of a vessel in order to safeguard the enforcement of a claim or of any other right appertaining to the applicant;

(c) “Forced sale” means any measure provided for under the law of a Contracting Party with a view to the sale of a vessel to satisfy a claim or any other right appertaining to the applicant; this term covers in particular distraint and forced sale.

Article 2. This Protocol shall apply to the attachment and to the forced sale of any vessel used in inland navigation, even if it is under construction, has run aground or has sunk, which is registered in a register of a Contracting Party.

Article 3. 1. This Protocol shall not apply to other procedures not covered by the definitions in article 1(b) and (c) thereof, and in particular to injunctions to return the vessel to its place of registration and proceedings likely to result in bankruptcy.

2. This Protocol is without prejudice to the consequences of bankruptcy in the territory of a Contracting Party under the law of that Contracting Party or the international agreements by which that Party is bound.

Article 4. Attachment, distraint and forced sale may be effected only in the country in which the vessel is situated. Subject to the provisions of this Protocol, the procedure shall be governed by the law of that country.

Article 5. 1. When a vessel is the object of attachment or of forced sale, an entry to that effect shall be made in the register in which the vessel is registered and the applicant and the beneficiaries of earlier entries shall be informed of such entry. The same applies when the vessel is released from attachment or the proceedings for the forced sale are dropped.

2. When the entry provided for in paragraph 1 of this article is to be made in a register of a Contracting Party other than that in which the vessel has been the object of attachment or forced sale, application for the entry shall be made by the authority or law officer designated under the law of the country where the attachment or forced sale has taken place.

Article 6. This Protocol shall confer no right *in rem* in the vessel by virtue of the authorization or execution of an attachment or the initiation of forced sale proceedings. However, no right entered in the register after the entry of the attachment or of the forced sale proceedings may be invoked against the person effecting the attachment, the applicant for forced sale or the purchaser in an auction.

Article 7. The existence of a possessory lien on a vessel shall not prevent its attachment or forced sale.

Article 8. 1. For the purposes of the application of this Protocol, the competent authorities of the Contracting Parties are authorized to correspond directly with each other. Such correspondence may be drafted in the language of the sender.

2. At the request of an interested party, the applications referred to in article 5, paragraph 2, of this Protocol shall, subject to payment of the cost in advance, be transmitted by telegraph; the sender shall be required to confirm the application in writing.

Chapter II. ATTACHMENT

Article 9. 1. Every attachment of a vessel carried out in the territory of a Contracting Party in accordance with the provisions of this Protocol shall be recognized in the territories of all the other Contracting Parties.

2. Paragraph 1 of this article shall not apply in the territory of a Contracting Party in which a final judicial decision rendered before the issue of the order authorizing attachment has rejected the claim for the protection of which the attachment was applied for.

Article 10. 1. A vessel may be attached only by authorization of the judicial authority of the country in which the attachment is to take place. Such authorization which, if the law of the said country so provides may take the form of a validation, shall be granted if there is a danger that, unless immediate measures are taken, it may become uncertain whether the applicant can protect the enforcement of his claim or make it much more difficult for him to do so.

2. The provisions of paragraph 1 of this article shall apply even if the applicant's claim is a right *in rem* or a personal claim secured by such a right.

Article 11. 1. The applicant must produce *prima facie* evidence of his claim and of the danger referred to in article 10 of this Protocol. The judicial authority may make its authorization subject to security being furnished by the applicant.

2. If the circumstances are such that at the time of submitting his application the applicant cannot be expected to produce *prima facie* evidence of his claim, the judicial authority may nevertheless authorize attachment subject to security being furnished by the applicant.

Article 12. If attachment is authorized with respect to a specific amount, that amount shall be mentioned in the authorization.

Article 13. The law of the country in which the attachment is authorized shall govern the cases, the manner and the period in which the applicant must pursue his claim at law.

Article 14. Subject to the provisions of articles 15 and 16 below, the law of the country in which attachment is authorized shall determine the cases and the manner in which an authorization may be withdrawn and a vessel released from attachment.

Article 15. 1. The judicial authority of the country in which attachment has been authorized shall withdraw that authorization or release the vessel on the application of any interested party, if a surety or other security has been furnished, provided that such surety or security is considered sufficient by the said judicial authority.

2. If an attachment has been authorized to protect the enforcement of a claim in respect of which the debtor could plead limitation of his liability, a surety or other security shall be deemed sufficient if it is at least equal to the amount to which the liability had been or is subsequently limited. This provision shall also apply where other creditors have been or are subsequently named beneficiaries of the same surety or other security.

Article 16. 1. If, after the attachment of a vessel had been authorized to protect the enforcement of a certain right, a surety or other security was furnished and the authorization of attachment was withdrawn or the vessel was released, no subsequent attachment to protect the enforcement of the same right may be authorized in the territories of the Contracting Parties, either of the vessel or of the objects belonging to the owner of the vessel and permanently attached to the vessel by virtue of the purpose they serve, or of any other vessel.

2. Nevertheless, the provisions of paragraph 1 of this article shall not apply in the territory of any Contracting Party whose judicial authority considers that in its country the surety or other security furnished has not or no longer has the same effect as it had in the country where attachment was authorized, at the time when such attachment was withdrawn or the vessel released.

Article 17. The fact that a surety or other security has been furnished to prevent attachment or to obtain release therefrom shall in no event be construed as an acknowledgement of the applicant's right or as a waiver of the benefit of limitation of liability.

Article 18. The judicial authority may, without releasing the vessel, lay down rules concerning its operation; for this purpose, it may order the furnishing of such surety or other security as it shall determine.

Chapter III. FORCED SALE

Article 19. 1. The effects produced by a forced sale in the territory of the Contracting Party in which it takes place shall be recognized in the territories of all the other Contracting Parties.

2. The provisions of paragraph 1 of this article shall not apply in the territory of a Contracting Party in which a final judicial decision rendered before the sale has rejected the claim for the protection of which the forced sale was applied for.

Article 20. The title produced by an applicant for the forced sale of a vessel must satisfy the conditions relating to the sale provided for under the law of the country where the forced sale is to be carried out.

Article 21. 1. Arrangements shall be made in good time for:

- (a) The public announcement of the date and place of the forced sale, and of the time-limit within which the interested persons must take legal proceedings, both in the country where proceedings for the forced sale have been initiated and in the country in which the vessel is registered, to enforce any claims which are not protected automatically;
- (b) Communication of the contents of the announcement referred to in subparagraph (a) of this paragraph to the beneficiaries of entries in the register of registration and to the other persons known to be interested.

2. Where the vessel for whose forced sale proceedings have been initiated is registered in the register of a Contracting Party other than that where the forced sale is to take place, the office at which the vessel is registered shall, at the request of the authority or law officer designated under the law of the country where the forced sale is to take place, without delay and against reimbursement of cost:

- (a) Arrange for the public announcement in its country of the particulars mentioned in paragraph 1(a) of this article;

(b) Notify the beneficiaries of entries in the register, or cause them to be notified, of the particulars mentioned in paragraph 1(b) of this article.

These obligations incumbent on the registration office are not affected by the provisions of paragraph 2 of articles 3 and 19 of this Protocol.

Article 22. 1. On the forced sale in the territory of a Contracting Party of a vessel registered in the register of another Contracting Party, the office at which the vessel is registered shall, on production of a certified copy of the award to the highest bidder, carry out any alteration or cancellation of entries in the register that may be required in pursuance of the provisions of article 19 of this Protocol, and shall inform thereof the beneficiaries of the altered or cancelled entries. A certified copy of the award to the highest bidder may only be issued if it is no longer possible for the award to be reviewed. The certified copy of the award shall, if necessary, specify the rights entered in the register which are not extinguished by the award.

2. If the registration office refuses, by virtue of paragraph 2 of articles 3 and 19 of this Protocol, to register the purchaser's right of ownership, the vessel may, paragraph 1 of articles 4 and 11 of the Convention notwithstanding, be registered in the registers of any other Contracting Party provided that it fulfils the Conditions for registration prescribed by the laws of such other Contracting Party.

**DECLARATIONS MADE UPON
RATIFICATION****AUSTRIA****[TRANSLATION—TRADUCTION]**

1. Austria accepts Protocol No. 1 annexed to the Convention concerning the rights *in rem* in inland navigation vessels.

2. Austria accepts Protocol No. 2 annexed to the Convention concerning attachment and forced sale of inland navigation vessels.

FRANCE**[TRANSLATION—TRADUCTION]**

... France, exercising the reservation provided for in article 19 of Protocol No. 1, declares pursuant to article 21, paragraph 2, of the Convention, that it will not apply the provisions of article 14, paragraph 2 (*b*), of this Protocol in the event of a forced sale in its territory.

LUXEMBOURG**[TRANSLATION—TRADUCTION]**

Luxembourg declares that it accepts Protocol No. 1 concerning rights *in rem* in inland navigation vessels, and Protocol No. 2 concerning attachment and forced sale of inland navigation vessels.

NETHERLANDS**[TRANSLATION—TRADUCTION]**

In accordance with article 21, paragraph 1 (*d*), of the Convention, the Netherlands will not apply this Convention to vessels used exclusively for a non-commercial government service.

**DÉCLARATIONS FAITES LORS
DE LA RATIFICATION****AUTRICHE**

1. « L'Autriche accepte le Protocole n° 1 dans l'annexe de la Convention relatif aux droits réels sur les bateaux de navigation intérieure. »

2. « L'Autriche accepte le Protocole n° 2 dans l'annexe de la Convention relatif à la saisie conservatoire et à l'exécution forcée concernant les bateaux de navigation intérieure. »

FRANCE

« ... La France, usant de la réserve autorisée par l'article 19 du Protocole n° 1, déclare, en application du paragraphe 2 de l'article 21 de la Convention, qu'elle n'appliquera pas, en cas d'exécution forcée sur son territoire, les dispositions de l'alinéa *b* du paragraphe 2 de l'article 14 du présent Protocole. »

LUXEMBOURG

« Le Luxembourg accepte le Protocole n° 1 relatif aux droits réels sur les bateaux de navigation intérieure ainsi que le Protocole n° 2 relatif à la saisie conservatoire et à l'exécution forcée concernant les bateaux de navigation intérieure. »

PAYS-BAS

« Conformément à l'article 21, paragraphe 1, alinéa *d* de la Convention, les Pays-Bas n'appliqueront pas ladite Convention aux bateaux affectés seulement à un service gouvernemental non commercial. »

The Netherlands, in accordance with the provisions of article 15, paragraph 1, accepts Protocol No. 1 concerning rights *in rem* in inland navigation vessels.

SWITZERLAND

[*Confirming the reservation made upon signature. For the text, see p. 150 of this volume.*]

Conformément au paragraphe 1 de l'article 5 de la Convention, les Pays-Bas acceptent le Protocole n° 1 relatif aux droits réels sur les bateaux de navigation intérieure. »

SUISSE

[*Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 129 du présent volume.*]
