

No. 8310

**AUSTRIA, BELGIUM, FEDERAL REPUBLIC
OF GERMANY, FRANCE, NETHERLANDS, etc.**

Convention relating to the unification of certain rules concerning collisions in inland navigation. Done at Geneva, on 15 March 1960

Official texts: French and Russian, with attached English and German texts.

Registered ex officio on 13 September 1966.

**AUTRICHE, BELGIQUE, RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE, FRANCE, PAYS-BAS, etc.**

Convention relative à l'unification de certaines règles en matière d'abordage en navigation intérieure. Faite à Genève, le 15 mars 1960

Textes officiels français et russe, avec textes anglais et allemand joints.

Enregistrée d'office le 13 septembre 1966.

No. 8310. CONVENTION¹ RELATING TO THE UNIFICATION OF CERTAIN RULES CONCERNING COLLISIONS IN INLAND NAVIGATION. DONE AT GENEVA, ON 15 MARCH 1960

Article 1

1. This Convention shall govern compensation for damage caused by a collision between vessels of inland navigation in the waters of one of the Contracting Parties either to the vessels or to persons or objects on board.
2. This Convention shall also govern compensation for any damage caused by a vessel of inland navigation in the waters of one of the Contracting Parties, either to other vessels of inland navigation or to persons or objects on board such other vessels, through the carrying out of or failure to carry out a manoeuvre, or through failure to comply with regulations, even if no collision has taken place.
3. The fact that the vessels referred to in paragraphs 1 and 2 of this article belong to the same train shall not affect the application of this Convention.
4. For the purposes of this Convention,
 - (a) the term "vessels" includes small craft;
 - (b) the term "vessels" includes hydroplanes, rafts, ferryboats, movable sections of boat-bridges, dredgers, floating cranes, elevators, and all floating appliances or plant of a similar nature.

Article 2

1. The duty to compensate for damage shall arise only if the damage is due to a fault. There shall be no legal presumption of fault.
2. If the damage is accidental, if it is due to *force majeure*, or if its causes cannot be determined, it shall be borne by the persons suffering it.
3. Where vessels are in tow, a vessel forming part of the train shall be liable only if it has committed a fault.

Article 3

If the damage is caused by the fault of one vessel only, liability to compensate for the damage shall attach to that vessel.

¹ In accordance with article 11, paragraph 1, the Convention came into force on 13 September 1966, i.e., the ninetieth day after the date of deposit of the fifth instrument of ratification or accession, in respect of the following States on behalf of which the instruments of ratification or accession (a) were deposited on the dates indicated :

Union of Soviet Socialist Republics	26 January	1962 (a)
Yugoslavia	14 February	1962 (a)
France	12 March	1962
Austria	27 September	1962
Netherlands (for the Kingdom in Europe and Surinam)	15 June	1966

For the declarations made upon signature, see list of signatures, and for the reservations and declaration made by the acceding states, see p. 158 of this volume.

Article 4

1. Where damage is due to faults committed by two or more vessels, these vessels shall be liable jointly and severally (*solidairement*) for the damage caused to persons and to the vessels which committed no fault and to objects on board such vessels, but severally for damage caused to other vessels and to objects on board such vessels.
2. Where there is no joint and several liability, each vessel which by its fault contributed to the damage shall be liable to the injured party or parties in proportion to the seriousness of the fault committed by it; but if in the circumstances the proportion cannot be determined or if the fault appear to be equally serious, then the liability shall be apportioned equally.
3. Where there is joint and several liability, the liability for the sum payable to the claimant shall be apportioned in conformity with the shares in the fault attributed to the vessels under paragraph 2 of this article. If one defendant makes a payment in excess of the share which is due, that defendant shall have a right to recover the excess from the other defendants who have paid less than their share. If any of the joint defendants should be insolvent the consequential loss shall be shared among the other defendants in conformity with their proportionate shares in the fault as determined under paragraph 2 of this article.

Article 5

The liability imposed by the preceding articles shall attach notwithstanding that the damage is caused by the fault of a pilot, even if pilotage is compulsory.

Article 6

Actions for compensation for damage shall not be subject to the prior fulfilment of any special formality.

Article 7

1. Actions for compensation for damage must be brought within two years from the date of the occurrence.
2. Actions in exercise of the right of recourse must be brought within a period of one year. This period shall begin either on the date of a final judicial decision fixing the amount of the joint and several liability or, where there is no such decision, on the date of the payment giving rise to the right of recourse. With regard, however, to actions concerning the re-apportionment of the share of an insolvent joint defendant, the aforesaid period shall not begin until the claimant has become aware of the insolvency.
3. The interruption and suspension of these periods of limitation shall be governed by the relevant provisions of the law of the court in which the action is brought.

Article 8

1. Nothing in the provisions of this Convention shall be deemed to affect general limitations of the liability of owners or managers of ships or of carriers under international conventions or national law, such as limitations based on the tonnage of the

ship, the horsepower of its engines or its value, or such as those resulting from the right of abandonment; nor shall anything in the provisions of this Convention be deemed to affect obligations arising out of transport or other contracts.

2. The provisions of this Convention shall not apply to compensation for damage which is occasioned by or results from the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or radioactive products or waste.

Article 9

Each Contracting Party may at the time of signing, ratifying or acceding to this Convention declare :

- (a) that it reserves the right to provide by law or international agreement that the provisions of this Convention shall not apply to vessels exclusively employed by the public authorities;
- (b) that it reserves the right to provide by law that the provisions of this Convention shall not apply on waterways reserved exclusively for its own shipping.

Article 10

1. This Convention is open to 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. The Convention shall be open to signature until 15 June 1960 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 11

1. This Convention shall come into force on the ninetieth day after five of the countries referred to in article 10, 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 12

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 13

If, after the entry into force of this Convention, the number of Contracting Parties is reduced, as a result of denunciations, to less than five, the Convention shall cease to be in force from the date on which the last of such denunciations takes effect.

Article 14

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 15

1. Any country may, at the time of signing this Convention or of depositing its instrument of ratification or accession, declare that it does not consider itself bound by article 14 of the Convention in so far as it concerns the referral of disputes to the International Court of Justice. Other Contracting Parties shall not be bound by article 14 with respect to any Contracting Party which has entered such a reservation.

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

Article 16

Save for the reservations provided for in article 9, sub-paragraphs (a) and (b), and in article 15 of this Convention, no reservation to this Convention shall be admitted.

Article 17

1. After this Convention has been in force for three years, any Contracting Party may, by notification 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 and a review conference shall be convened by the Secretary-General if, within a period of four months following the date of notification by the Secretary-General, not less than one-fourth of the Contracting Parties notify him of their concurrence with the request.

2. If a conference is convened in accordance with the preceding paragraph, the Secretary-General shall notify all the Contracting Parties and invite them to submit within a period of three months such proposals as they may wish the conference to consider. The Secretary-General shall circulate to all Contracting Parties the provisional agenda for the conference, together with the texts of such proposals, at least three months before the date on which the conference is to meet.

3. The Secretary-General shall invite to any conference convened in accordance with this article all the countries referred to in article 10, paragraph 1, and the countries which have become Contracting Parties under article 10, paragraph 2.

Article 18

In addition to the notifications provided for in article 17, the Secretary-General of the United Nations shall notify the countries referred to in article 10, paragraph 1, and the countries which have become Contracting Parties under article 10, paragraph 2, of:

- (a) declarations made in accordance with article 9, sub-paragraphs (a) and (b);
- (b) ratifications and accessions under article 10;
- (c) the dates of entry into force of this Convention in accordance with article 11;
- (d) denunciations under article 12;
- (e) the termination of this Convention in accordance with article 13;
- (f) declarations and notifications received in accordance with article 15, paragraphs 1 and 2.

Article 19

This Convention is done in a single copy in French and Russian. Texts in English and German are attached thereto. At the time of signing this Convention or of depositing its instrument of ratification or accession any country may declare that it adopts the French, Russian, English or German text; in that case, the said text shall also be authoritative in the relations between the Contracting Parties which have exercised this right and adopted the same text. In all other cases, the French and Russian texts shall be authentic.

Article 20

After 15 June 1960, the original of this Convention and the attached English and German texts shall be deposited with the Secretary-General of the United Nations, who shall transmit to each of the countries mentioned in article 10, paragraphs 1 and 2, certified true copies of the original and of the English and German texts.

IN WITNESS WHEREOF, the undersigned, being thereunto duly authorized, have signed this Convention done at Geneva this fifteenth day of March one thousand nine hundred and sixty.

[TRANSLATION — TRADUCTION]

For Austria :

TREU

14 June 1960

In accordance with article 19 of the Convention, my Government regards the German text as authentic.

For Belgium :

In accordance with article 19 of the Convention, my Government regards the French text as authentic.

Subject to ratification.

Fr. DE LA BARRE D'ERQUELINNES

15 June 1960

For France :

DE CURTON

15 June 1960

In accordance with article 19 of the Convention, my Government regards the French text as authentic.

For the Netherlands :

W. H. J. VAN ASCH VAN WIJCK

14 June 1960

For the Federal Republic of Germany :

R. THIERFELDER

I declare that, in accordance with article 19, my Government adopts the German text.

14 June 1960

RESERVATIONS AND
DECLARATION MADE
UPON ACCESSION

UNION OF SOVIET SOCIALIST REPUBLICS

*Reservations*RÉSERVES ET DÉCLARATION
FAITES AU MOMENT
DE L'ADHÉSIONUNION DES RÉPUBLIQUES
SOCIALISTES SOVIÉTIQUES*Réserves*

[RUSSIAN TEXT — TEXTE RUSSE]

« а) *по Конвенции в целом* — Правительство Союза Советских Социалистических Республик заявляет, что положения настоящей Конвенции не будут применяться на внутренних водных путях Союза Советских Социалистических Республик, судоходство по которым разрешается лишь судам, плавающим под флагом СССР;

« б) *по статье 14* — Правительство Союза Советских Социалистических Республик не считает себя связанным статьей 14 настоящей Конвенции в отношении передачи споров Международному Суду ».

[TRANSLATION]

[TRADUCTION]

(a) *With respect to the Convention as a whole*: The Government of the Union of Soviet Socialist Republics declares that the provisions of this Convention will not be applied on inland waterways of the Union of Soviet Socialist Republics that are open to navigation only by ships sailing under the flag of the USSR;

(b) *With respect to article 14*: The Government of the Union of Soviet Socialist Republics does not consider itself bound by article 14 of this Convention with regard to the reference of disputes to the International Court.

a) *Ensemble de la Convention*: Le Gouvernement de l'Union des Républiques socialistes soviétiques déclare que les dispositions de la présente Convention ne s'appliqueront pas aux voies navigables intérieures de l'Union des Républiques socialistes soviétiques que seuls les navires battant pavillon de l'URSS sont autorisés à emprunter;

b) *Article 14*: Le Gouvernement de l'Union des Républiques socialistes soviétiques ne s'estime pas lié par l'article 14 de la présente Convention en ce qui concerne le renvoi des différends devant la Cour internationale de Justice.

*Declaration**Déclaration*

[RUSSIAN TEXT — TEXTE RUSSE]

« Присоединяясь к Конвенции, Правительство СССР считает необходимым сделать одновременно заявление о незаконности статьи 10 Конвенции, ограничивающей число государств, которые могут стать ее участниками ».

[TRANSLATION]

In acceding to the Convention, the Government of the USSR deems it necessary at the same time to state its view that article 10 of the Convention, which limits the number of States which may become Parties to it, is illegal.

YUGOSLAVIA

Reservations

[TRANSLATION — TRADUCTION]

The Federal People's Republic of Yugoslavia declares, in accordance with article 9 of the afore-mentioned Convention :

a) that it reserves the right to provide by law or international agreement that the provisions of this Convention shall not apply to vessels exclusively employed by the public authorities;

b) that it reserves the right to provide by law that the provisions of this Convention shall not apply on waterways reserved exclusively for its own shipping.

[TRADUCTION]

Tout en adhérant à la Convention, le Gouvernement de l'URSS juge nécessaire de souligner le caractère illégal de l'article 10, qui limite le nombre des États qui peuvent y être parties.

YUGOSLAVIE

Réserves

« La République Populaire Fédérative de Yougoslavie déclare, conformément à l'article 9 de la Convention précitée :

« a) qu'elle se réserve le droit de prévoir dans sa législation nationale ou dans des accords internationaux que les dispositions de la Convention précitée ne s'appliqueront pas aux bateaux affectés exclusivement à l'exercice de la puissance publique;

« b) qu'elle se réserve le droit de prévoir dans sa législation nationale de ne pas appliquer les dispositions de la Convention précitée sur les voies navigables réservées exclusivement à sa navigation nationale. »