

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.