



Economic and Social Council

Distr.: General
8 December 2010
English
Original: French

Economic Commission for Europe

Inland Transport Committee

Working Party on Inland Water Transport

Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation

Thirty-eighth session

Geneva, 16–18 February 2011

Item 9 of the provisional agenda

Pan-European rules on general average and limitation of liability in inland navigation

Revision of the Strasbourg Convention on Limitation of Liability in Inland Navigation

Submitted by the Central Commission for the Navigation of the Rhine

I. Mandate

1. At its fifty-first session, the Working Party on Inland Water Transport decided to follow the work of the Central Commission for the Navigation of the Rhine (CCNR) on the revision of the 1988 Strasbourg Convention on Limitation of Liability in Inland Navigation, which could contribute to the establishment of a common legal regime for the limitation of the liability of owners of inland navigation vessels (ECE/TRANS/SC.3/178, para. 29). At its fifty-fourth session, the Working Party took note of the progress made in revising the Convention and asked the secretariat to facilitate the dissemination of information on this process to non-CCNR countries. The Working Party also enquired about the possibility of organizing a special meeting on the Convention at one of the sessions of the Working Party on the Standardization of Technical and Safety Requirements in Inland Navigation in 2011 (ECE/TRANS/SC.3/187, para. 37).

2. In this context, the Working Party on Inland Water Transport may wish to take note of the latest draft of the revised Convention (reproduced below) and to discuss the possibility of non-CCNR countries participating in this initiative, given that the revision process is scheduled to be completed by the end of 2011.

II. Revised Strasbourg Convention on Limitation of Liability in Inland Navigation

3. At its meeting on 14 October 2010, the CCNR River Law Committee finalized the draft of a revised version of the Convention, States members of CCNR having expressed a preference for a revised version rather than an additional protocol to the original Convention.

4. The draft revised Convention is annexed to this document, with the amendments to the original Convention in bold. An additional meeting of the River Law Committee is scheduled for 7 December 2010 to confirm or clarify the following points that were raised on 14 October:

(a) Article 6:

(i) Article 6, paragraph 2: confirmation of the decision on the 50% increase;

(ii) Article 6, paragraph 1: choice between a 50% increase for both personal injury and material damage (option 1) and an increase of 75% for personal injury and 50% for material damage (option 2);

(iii) Article 6, paragraph 1 (d): raising the lower limit by 50%;

(b) Article 7: confirmation of the decision on the upper limits, set according to the vessel's capacity;

(c) Article 18 (2): States parties will be able to enter a reservation to avoid applying the above-mentioned maximum limits.

Annex

Strasbourg Convention on Limitation of Liability in Inland Navigation

(CNLI 20xx)

The States parties to this Convention,

Convinced of the utility of harmonizing the law applicable to the limitation of liability in inland navigation on all waterways,

Have agreed as follows:

Chapter I The right of limitation

Article 1

Persons entitled to limit liability

1. Vessel owners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in article 2.

2. (a) The term “vessel owner” shall mean the owner, hirer, charterer, manager and operator of a vessel.

(b) “Vessel” shall mean an inland navigation vessel and shall also include hydrofoils, ferries and small craft but not air-cushion vehicles. The term “vessels” shall also cover dredgers, floating cranes, elevators and all other floating and mobile appliances or plant of a similar nature.

(c) “Salvor” shall mean any person rendering services in direct connection with salvage operations. Salvage operations shall also include operations referred to in article 2, paragraph 1 (d), (e) and (f).

3. If any claims set out in article 2 are made against any person for whose act, neglect or default the vessel owner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.

4. In this Convention the liability of a vessel owner shall include liability in an action brought against the vessel herself.

5. An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.

6. The act of invoking limitation of liability shall not constitute an admission of liability.

Article 2

Claims subject to limitation

1. Subject to articles 3 and 4 the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:

(a) Claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins, waterways, locks, bridges and aids to

navigation), occurring on board or in direct connection with the operation of the vessel or with salvage operations, and consequential loss resulting therefrom;

(b) Claims in respect of loss resulting from delay in the carriage of cargo, passengers or their luggage;

(c) Claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the vessel or salvage operations;

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

(e) Claims in respect of the removal, destruction or rendering harmless of the cargo of the vessel;

(f) Claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.

2. Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claims set out under paragraph 1 (d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

Article 3

Claims excepted from limitation

The rules of this Convention shall not apply to:

(a) Claims for salvage, **including claims for special compensation under article 14 of the current version of the International Convention on Salvage, of 1989, or claims for contribution in general average;**

(b) Claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;

(c) Claims against the owner of a nuclear vessel for nuclear damage;

(d) Claims by servants of the vessel owner or salvor whose duties are connected with the vessel or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the vessel owner or salvor and such servants the vessel owner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in article 6;

(e) **Claims against the owner of a sport or pleasure craft, or a vessel used in navigation for non-profit purposes.**

Article 4

Conduct barring limitation

A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

Article 5 Counterclaims

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

Chapter II Limits of liability

Article 6 The general limits

1. The limits of liability for claims other than those mentioned in article 7, arising on any distinct occasion, shall be calculated as follows:

Option 1: 50% increase for personal injury and other damage

- (a) In respect of claims for loss of life or personal injury:
- (i) for a vessel not used for cargo, in particular a passenger vessel, **300** units of account per cubic metre of displacement at maximum permitted draught, increased for vessels equipped with mechanical means of propulsion by **1,050** units of account per kW of power of the machines providing the propulsion;
 - (ii) for a cargo vessel, **300** units of account per tonne of the vessel's deadweight, plus **1,050** units of account per kW of power of the machines providing the propulsion for vessels equipped with mechanical means of propulsion;
 - (iii) for a pusher or tug, **1,050** units of account per kW of power of the machines providing the propulsion;
 - (iv) for a pusher which, at the moment when the damage was caused, was coupled to barges in a pushed train, the amount of liability calculated in conformity with (iii) shall be increased by **150** units of account per tonne of deadweight of the pushed barges; this increase shall not apply insofar as it can be proved that the pusher has provided salvage services to one or more of these barges;
 - (v) for a vessel equipped with mechanical means of propulsion which at the time when the damage was caused was providing propulsion for other vessels coupled to this vessel, the amount of liability calculated in conformity with (i), (ii) or (iii) shall be increased by **150** units of account per tonne of deadweight or cubic metre of displacement of the other vessels; this increase shall not apply insofar as it can be proved that this vessel has furnished salvage services to one or more of the coupled vessels;
 - (vi) for floating and mobile appliances or plant in the sense used in the second sentence of article 1, paragraph 2 (b), their value at the time of the occurrence;
- (b) In respect of all other claims, half of the sums mentioned in (a).

Option 2: 75% increase for personal injury and 50% increase for other damage

- (a) In respect of claims for loss of life or personal injury:

- (i) for a vessel not used for cargo, in particular a passenger vessel, **350** units of account per cubic metre of displacement at maximum permitted draught, increased for vessels equipped with mechanical means of propulsion by **1,225** units of account per kW of power of the machines providing the propulsion;
 - (ii) for a cargo vessel, **350** units of account per tonne of the vessel's deadweight, plus **1,225** units of account per kW of power of the machines providing the propulsion for vessels equipped with mechanical means of propulsion;
 - (iii) for a pusher or tug, **1,225** units of account per kW of power of the machines providing the propulsion;
 - (iv) for a pusher which, at the moment when the damage was caused, was coupled to barges in a pushed train, the amount of liability calculated in conformity with (iii) shall be increased by **175** units of account per tonne of deadweight of the pushed barges; this increase shall not apply insofar as it can be proved that the pusher has provided salvage services to one or more of these barges;
 - (v) for a vessel equipped with mechanical means of propulsion which at the time when the damage was caused was providing propulsion for other vessels coupled to this vessel, the amount of liability calculated in conformity with (i), (ii) or (iii) shall be increased by **175** units of account per tonne of deadweight or cubic metre of displacement of the other vessels; this increase shall not apply insofar as it can be proved that this vessel has furnished salvage services to one or more of the coupled vessels;
 - (vi) for floating and mobile appliances or plant in the sense used in the second sentence of article 1, paragraph 2 (b), their value at the time of the occurrence;
- (b) In respect of **all other claims**:
- (i) for a vessel not used for cargo, in particular a passenger vessel, **150** units of account per cubic metre of displacement at maximum permitted draught, increased for vessels equipped with mechanical means of propulsion by **525** units of account per kW of power of the machines providing the propulsion;
 - (ii) for a cargo vessel, **150** units of account per tonne of the vessel's deadweight, plus **525** units of account per kW of power of the machines providing the propulsion for vessels equipped with mechanical means of propulsion;
 - (iii) for a pusher or tug, **525** units of account per kW of power of the machines providing the propulsion;
 - (iv) for a pusher which, at the moment when the damage was caused, was coupled to barges in a pushed train, the amount of liability calculated in conformity with (iii) shall be increased by **75** units of account per tonne of deadweight of the pushed barges; this increase shall not apply insofar as it can be proved that the pusher has provided salvage services to one or more of these barges;
 - (v) for a vessel equipped with mechanical means of propulsion which at the time when the damage was caused was providing propulsion for other vessels coupled to this vessel, the amount of liability calculated in conformity

with (i), (ii) or (iii) shall be increased by **75** units of account per tonne of deadweight or cubic metre of displacement of the other vessels; this increase shall not apply insofar as it can be proved that this vessel has furnished salvage services to one or more of the coupled vessels;

(vi) for floating and mobile appliances or plant in the sense used in the second sentence of article 1, paragraph 2 (b), their value at the time of the occurrence;

(c) When the amount calculated in accordance with (a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph (b) shall be available for payment of the unpaid balance of claims under paragraph (a) and such unpaid balance shall rank rateably with claims mentioned under paragraph (b);

(d) In no case shall the limits of liability be less than **300,000** units of account for claims in respect of loss of life or personal injury or less than **150,000** units of account for all other claims.

2. The amounts set out in paragraph 1 above shall be revised upwards by 50% on the first day of the month following the expiry of a period of five years as from the date on which this Convention was opened for signature.

3. However, without prejudice to the right of claims for loss of life or personal injury according to paragraph 1 (c), a State Party may provide in its national law that claims in respect of damage to harbour works, basins, waterways, locks, bridges and aids to navigation shall have such priority over other claims under paragraph 1 (b) as is provided by that law.

4. The limits of liability mentioned in paragraph 1 (d) shall also apply to any salvor furnishing salvage services to a vessel and not operating from any inland navigation vessel or seagoing vessel, or to any salvor operating solely on the vessel to which he is rendering salvage services.

Article 7

The limits for passenger claims

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a vessel, the limit of liability of the owner thereof shall be an amount of **175,000** units of account multiplied by the number of passengers which the vessel is authorized to carry according to the vessel's certificate, or, if the number of passengers which the vessel is authorized to carry is not prescribed, this limitation shall be determined by the number of passengers actually carried by the vessel at the time of the occurrence.

The limits shall not be less than **1,080,000** units of account or more than the following amounts:

(a) **20** million units of account for vessels with an authorized passenger transport capacity of not more than **500**;

(b) **25** million units of account for vessels with an authorized passenger transport capacity of not more than **1,000**;

(c) **30** million units of account for vessels with an authorized passenger transport capacity of more than **2,000**.

2. For the purpose of this article "claims for loss of life or personal injury to passengers of a vessel" shall mean any such claims brought by or on behalf of any person carried in that vessel:

(a) Under a contract of passenger carriage; or

(b) Who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

Article 8

Unit of account

1. The unit of account referred to in articles 6 and 7 is the special drawing right as defined by the International Monetary Fund. The amounts mentioned in articles 6 and 7 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment.

2. The value of a national currency of a State Party 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.

3. **Contracting States** may, on the basis of the method of calculation mentioned in paragraph 1, establish the equivalent of the amounts mentioned in articles 6 and 7 in their national currency in round figures. When, following a change in the value of the national currency in terms of special drawing rights, the amounts expressed in such currency differ by more than 10% from the real value expressed in special drawing rights in articles 6 and 7, the said amounts shall be adapted to the real value. **Contracting States** shall communicate to the depositary the sums expressed in the national currency and any modification of those sums.

Article 9

Aggregation of claims

1. Without prejudice to paragraph 2, the limits of liability determined in accordance with article 6 shall apply to the aggregate of all claims which arise on any distinct occasion:

(a) Against the person or persons mentioned in article 1, paragraph 2 (a), and any person for whose act, neglect or default he or they are responsible; or

(b) Against the owner of a vessel rendering salvage services from that vessel and the salvor or salvors operating from such vessel and any person for whose act, neglect or default he or they are responsible; or

(c) Against the salvor or salvors who are not operating from an inland navigation vessel or a seagoing ship or who are operating solely on the vessel to which the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

2. (a) When, in conformity with article 6, paragraph 1 (a) (iv), the amount of liability for a pusher which, at the time when the damage was caused, was coupled to barges in a pushed train, is increased in respect of claims arising out of the occurrence by **[option 1] 150 units / [option 2] 175-75 units** of account per tonne deadweight of the pushed barges, the amount of liability of each of the barges is reduced, in respect of claims arising out of this occurrence, by **[option 1] 150 units / [option 2] 175-75 units** of account for each tonne deadweight of the pushed barge;

(b) When, in conformity with article 6, paragraph 1 (a) (v), the amount of liability for a vessel equipped with mechanical means of propulsion which, at the time when the damage was caused, was providing propulsion for other vessels coupled to it, is increased in respect of claims arising out of the occurrence by **[option 1] 150 units / [option 2] 175-75 units** of account per tonne deadweight or cubic metre of displacement of

the coupled vessels, the amount of liability for each coupled vessel shall be reduced, in respect of claims arising out of the said occurrence, by 100 units of account for each tonne deadweight or each cubic metre of displacement of the coupled vessel.

3. The limits of liability determined in accordance with article 7 shall apply to the aggregate of all claims arising from the occurrence against the person or persons mentioned in article 1, paragraph 2 (a), in respect of the vessel referred to in article 7 and any person for whose act, neglect or default he or they are responsible.

Article 10

Limitation of liability without constitution of a limitation fund

1. Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in article 11 has not been constituted. However, a State Party may provide in its national law that, where an action is brought in its courts to enforce a claim subject to limitation, a person liable may only invoke the right to limit liability if a limitation fund has been constituted in accordance with the provisions of this Convention or is constituted when the right to limit liability is invoked.

2. If limitation of liability is invoked without the constitution of a limitation fund, the provisions of article 12 shall apply.

3. Questions of procedure arising under the rules of this article shall be decided in accordance with the national law of the State Party in which action is brought.

Chapter III

The limitation fund

Article 11

Constitution of the fund

1. Any person alleged to be liable may constitute a fund with the competent court or other competent authority in any State Party in which legal proceedings are instituted in respect of a claim subject to limitation, or, if no legal proceedings are instituted, with the competent court or other competent authority in any State Party in which legal proceedings may be instituted for a claim subject to limitation. The fund must be constituted in the sum of such of the amounts set out in articles 6 and 7 as are applicable to claims for which the person constituting the fund may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the Constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

2. A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the court or other competent authority.

3. A fund constituted by one of the persons mentioned in article 9, paragraph 1 (a), (b) or (c) or paragraph 3, or his insurer shall be deemed constituted by all persons mentioned in article 9, paragraph 1 (a), (b) or (c) or paragraph 3.

Article 12

Distribution of the fund

1. Subject to the provisions of article 6, paragraphs 1, 2 and 3 and of article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.
2. If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.
3. The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those mentioned above in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.
4. Where the person liable or any other person establishes that he may be compelled to pay, at a later date, any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs 2 and 3 had the compensation been paid before the fund was distributed, the court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

Article 13

Bar to other actions

1. Where a limitation fund has been constituted in accordance with article 11, any person **who may make** a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.
2. After a limitation fund has been constituted in accordance with article 11, any vessel or other property belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, shall be released by order of the court or other competent authority of such State.
3. The rules of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the fund before the court administering that fund and the fund is actually available and freely transferable in respect of that claim.

Article 14

Governing law

Subject to the provisions of this chapter the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connection therewith, shall be governed by the law of the State Party in which the fund is constituted.

Chapter IV

Scope of application

Article 15

1. This Convention shall apply to the limitation of liability of the owner of a vessel or a salvor when, at the time of the occurrence **that gave rise to the claims, this person invokes the limitation of liability before the court of a Contracting State or requests the**

release of a vessel or other property, or of a security given in the national territory of a Contracting State, and when:

(a) **The vessel has sailed on a waterway subject to an international navigation regime or a waterway in the territory of a Contracting State; or**

(b) Salvage services **are** furnished along one of the said waterways to a vessel in danger or the cargo of such a vessel; or

(c) A vessel sunk, wrecked, stranded or abandoned along one of the said waterways or the cargo of such a vessel has been raised, removed, destroyed or rendered harmless.

This Convention shall also apply to the limitation of liability of a salvor furnishing assistance services from an inland navigation vessel to a sea-going vessel in danger along one of the said waterways or the cargo of such a vessel.

2. Any State may, at the time of signature, ratification, acceptance, approval or accession or at any subsequent time declare by means of a notification addressed to the depositary that this Convention **shall not be applicable to all or any part of its waterways of class III or lower. For the purposes of this protocol, the classification of European inland waterways established by UNECE resolution No. 30 of 12 November 1992¹ shall be applicable.** This Convention shall take effect, for the waterways mentioned in the notification, on the first day of the month following the expiry of a period of three months following the receipt of the notification or, if this Convention has not yet entered into force, on its entry into force.

3. Any State which has made a declaration under paragraph 2 may withdraw it at any time by means of a notification addressed to the depositary. The withdrawal shall take effect on the first day of the month following the expiry of a period of one year as from the date on which the notification is received or on the expiry of any longer period which may be specified in the declaration.

Chapter V

Final clauses

Article 16

Signature, ratification and accession

1. This Convention shall be open for signature **from ... to ...** at the headquarters of the Central Commission for the Navigation of the Rhine at Strasbourg.

2. **States may express their consent to be bound by this Convention by:**

(a) **Signature without reservation as to ratification, acceptance or approval;**
or

(b) **Signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or**

(c) **Accession.**

3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument with the Secretary-General of the Central Commission for the Navigation of the Rhine.

¹ unece.org/trans/doc/finaldocs/sc3/TRANS-SC3-131e.pdf.

Article 17

Entry into force

1. This Convention shall enter into force on the first day of the month following the expiry of a period of three months as from the date on which **four States Parties to the Strasbourg Convention on Limitation of Liability in Inland Navigation of 4 November 1988 deposit their instrument of ratification, acceptance, approval or accession.**
2. **A State that ratifies, accepts, approves or accedes to the present Convention and that is a Contracting Party to the Convention mentioned in paragraph 1 shall denounce the Convention mentioned in paragraph 1 such that the denunciation takes effect for that State at the latest upon the entry into force of the present Convention.**
3. For a State which deposits an instrument of ratification, acceptance, approval or accession after the conditions governing the entry into force of this Convention have been met, the Convention shall enter into force on the first day of the month following the expiry of a period of three months as from the date on which that State deposits its instrument.

Article 18

Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession **and at any subsequent time**, reserve the right to exclude the application of the rules of this Convention in their entirety or in part:
 - (a) To claims for damage due to a change in the physical, chemical or biological quality of the water;
 - (b) To claims for damage caused by dangerous goods during their carriage, insofar as such claims are governed by an international convention or a domestic law which excludes the limitation of liability or sets limits of liability higher than provided for in this Convention;
 - (c) To claims mentioned in article 2, paragraph 1 (d) and (e) **of this Convention**;
 - (d) To lighters exclusively used in ports for transshipments.
2. Any State may, at the time of signature, ratification, acceptance **or** approval, accession **and at any subsequent time**, declare that it will not apply to claims resulting from an occurrence on its waterways the maximum limits of liability provided for in article 7, paragraph 1, **third sentence, (a), (b) and (c).**
3. **A State that makes use of the possibility provided for in paragraph 1 (b) or paragraph 2 shall inform the depositary of the limits of liability adopted, or that there are no provisions for such limits.**
4. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.
5. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the depositary. The withdrawal shall take effect on the date the notification is received or on a later date specified therein.

Article 19

Denunciation

1. This Convention may be denounced by any of the States Parties by a notification addressed to the depositary, at any time after one year from the date on which the Convention entered into force for that Party.

2. Denunciation shall take effect on the first day of the month following the expiry of a period of one year from the date on which the notification is received or after such longer period as may be specified therein.

Article 20

Revision of the limitation amounts

1. Without prejudice to article 6, paragraph 2, the limitation amounts prescribed in articles 6 and 7 shall be reviewed by the depositary at five-year intervals, the first such review to take place at the end of the fifth year following the date it is first open for signature, by reference to an inflation factor which corresponds to the accumulated rate of inflation since the previous revision or in the first instance since the date of entry into force of the Convention. The measure of the rate of inflation to be used in determining the inflation factor shall be the weighted average of the annual rates of increase or decrease in the consumer price indices of the States whose currencies comprise the special drawing right mentioned in paragraph 1 of article 8.

2. If the review referred to in paragraph 1 concludes that the inflation factor has exceeded 10%, the depositary shall notify all the Contracting States of the limitation amounts to be applied after taking account of the inflation factor. The revision of the limitation amounts shall become effective six months after its notification to the Contracting States, unless within such period a third of the Contracting States have notified the depositary of their refusal to accept this revision.

3. A revision made under paragraph 2 shall enter into force 18 months after it has taken effect for all States which at that time are Parties to this Convention, unless they denounce this Convention under article 20 at least six months before the revision enters into force. The denunciation shall take effect on the date when the revision enters into force. The revision shall be binding on any State becoming a Party to this Convention after the date mentioned in the first sentence.

4. Without prejudice to paragraph 1, the procedure referred to in paragraph 2 shall be applicable at any time at the request of one third of the States Parties, provided that the inflation factor referred to in paragraph 1 has exceeded 30% since the previous revision or since the date of entry into force of this Convention if there has been no previous revision. Subsequent reviews using the procedure described in paragraph 1 of this article shall be held at five-year intervals, starting at the end of the fifth year following the date of a revision made pursuant to the present paragraph.

Article 21

Depositary

1. This Convention shall be deposited with the Secretary-General of the Central Commission for the Navigation of the Rhine.

2. The Secretary-General of the Central Commission for the Navigation of the Rhine shall:

(a) Transmit certified true copies of this Convention to **all signatory States and all Contracting States**;

(b) Inform all States which have signed or acceded to this Convention of:

(i) each new signature and each deposit of an instrument and any declaration or reservation thereto together with the date thereof;

(ii) the date of entry into force of this Convention;

- (iii) any denunciation of this Convention and the date on which it takes effect;
- (iv) the date of entry into force **of any revision of the limitation amounts established under article 20, paragraph 2, of this Convention;**
- (v) any communication called for by any provision of this Convention.

Article 22

Languages

This Convention is established in a single original in the Dutch, **English**, French and German [**and Russian**] languages, each text being equally authentic.

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

Done at Strasbourg on ...
