International Convention for the Unification of Certain Rules of Law with Respect to Collisions Between Vessels, 1910
as amended by the Protocol of ___

– consolidated version –

Article 1 – Compensation for Collision Damages

Where a collision occurs, the compensation due for damages shall be settled in accordance with the following provisions.

Article 1*bis* – Definitions

For the purposes of this Convention:

(a) "Collision" means contact between two or more vessels and any other accident involving such vessels, arising from a manoeuvre, or a failure to manoeuvre, or from a failure to comply with any applicable rules of navigation, statutory or otherwise, even if no actual contact has occurred and even if the Vessels or any of them may be at anchor or otherwise made fast at the time of the casualty;

(b) "Inland waterway vessel" means every description of water craft solely designed for inland navigation;

(c) "Owner" means the registered owner, the bareboat charterer, or any other person having by way of demise, lease, other legitimate contractual engagement, or in fact possession of the vessel;

(d) "Vessel" means any description of watercraft, ship, structure or artificial means designed for or capable of navigation on or within the water, including fixed or floating platforms or mobile offshore drilling units, save when such platforms or units are on location engaged in the exploration, exploitation or production of sea bed mineral resources.

Article 1*ter* – Scope of Application

1. This Convention shall govern the jurisdiction, choice of law, allocation of liabilities, and the evaluation of damages in collision actions, including recourse actions, for loss or damage arising from collisions between vessels taking place:

(a) in any waters where all colliding vessels were flagged in member states,

(b) in the inland waters or territorial sea of a member state, or

(c) in any other waters to which a State Party has declared that the terms of this Convention shall apply.

2. This Convention shall not apply to collisions:

(a) to which the 1960 Convention relating to the unification of certain rules concerning collisions in inland navigation applies, if the state where proceedings are brought is also a contracting state of the 1960 Convention;

(b) between inland waterway vessels if the member state where the collision occurs has opted to exclude inland waterway vessel collisions from the application of this Convention, or

(c) involving ships of war or to Government ships appropriated exclusively to a public service, subject always to the national laws of the state of origin of such ships.

Article 2

If the collision is accidental, if it is caused by *force majeure*, or if the cause of the collision is left in doubt, the damages are borne by those who have suffered them.

Article 3

If the collision is caused by the fault of one of the vessels, liability to make good the damages attaches to the one which has committed the fault.

Article 4

1. If two or more vessels are in fault the liability of each vessel is in proportion to the degree of the faults respectively committed. Provided that if, having regard to the circumstances, it is not possible to establish the degree of the respective faults, or if it appears that the faults are equal, the liability is apportioned equally.

2. The damages caused, either to the vessels or to their cargoes or to the effects or other property of the crews, passengers, or other persons on board, are borne by the vessels in fault in the above proportion, and even to third parties a vessel is not liable for more than such proportion of such damages.

3. In respect of damages caused by death or personal injuries, the vessels in fault are jointly as well as severally liable to third parties, without prejudice however to the right of the vessel which has paid a larger part than that which, in accordance with the provisions of the first paragraph of this Article, she ought ultimately to bear, to obtain a contribution from the other vessel or vessels in fault.

4. It is left to the law of each country to determine, as regards such right to obtain contribution, the meaning and effect of any contract or provision of law which limits the liability of the owners of a vessel towards persons on board.

Article 4*bis* – Owner's Liability

Whenever any article of the present Convention refers to a vessel as being at fault or liable, the owner thereof shall be at fault or liable for the damages caused, which does not exclude in rem or other proceedings being taken against the vessel.

Article 5

The liability imposed by the preceding Articles attaches in cases where the collision is caused by the fault of a pilot, even when the pilot is carried by compulsion of law.

Article 6

1. The right of action for the recovery of damages resulting from a collision is not conditional upon the entering of a protest or the fulfilment of any other special formality and notwithstanding that a person who suffered a loss had the opportunity to avoid the loss and failed to do so.

2. All legal presumptions of fault in regard to liability for collision are abolished.

Article 7

1. Actions for the recovery of damages are barred after an interval of two years from the date of the casualty.

2. The period within which an action must be instituted for enforcing the right to obtain contribution permitted by paragraph 3 of Article 4 is one year from the date of payment.

3. The grounds upon which the said periods of limitation may be suspended or interrupted are determined by the law of the court where the case is tried.

4. State Parties to this Convention reserve to themselves the right to provide, by legislation in their respective countries, that the said periods shall be extended in cases where it has not been possible to arrest the defendant vessel in the territorial waters of the State in which the claimant has his domicile or principal place of business.

Article 7*bis* – Himalaya Clause

If claims arising from a collision are brought against a servant of the owner of a vessel, including the crew of the vessel or a pilot, these persons enjoy the same rights under this Convention as the owner of the vessel they serve. A person shall not be entitled to

such rights if it is proved that the loss resulted from his or her personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

Article 8

1. After a collision, the master of each of the vessels in collision is bound, so far as he can do so without serious danger to his vessel, her crew and her passengers, to render assistance to the other vessel, her crew and her passengers.

2. He is likewise bound so far as possible to make known to the other vessel the name of his vessel and the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

3. A breach of the above provisions does not of itself impose any liability on the owner of a vessel.

Article 9

1. The High Contracting Parties whose legislation does not forbid infringements of the preceding Article bind themselves to take or to propose to their respective Legislatures the measures necessary for the prevention of such infringements.

2. The High Contracting Parties will communicate to one another as soon as possible the laws or regulations which have already been or may be hereafter promulgated in their States for giving effect to the above undertaking

Article 9*bis* – Recoverable Damages

1. Save as provided for below, the claimant shall be entitled to recover such damages as may reasonably be considered to be the direct consequence of the collision. Damages shall place the claimant in the same financial position as he would have been had the collision not occurred.

2. The burden of proving the loss or damage sustained shall be upon the claimant.

3. Damages shall not be recoverable to the extent that the person against whom the claim is made is able to show that the claimant could have avoided or mitigated the loss or damage by the exercise of reasonable diligence.

4. Damages shall include:

(a) any loss or damage resulting from the collision to a vessel, or to goods or other property or persons on board any vessel involved in the collision;

(b) any loss of use of the vessel, loss of earning and any other pecuniary or financial loss and any incidental expense or cost connected therewith, incurred as a result of the collision;

(c) reimbursement of salvage, general average, wreck removal and other charges and expenses reasonably incurred as a result of the collision;

(d) any liability incurred by a claimant towards third parties for loss or damage caused by a vessel involved in the collision to property or to persons, whether on board a colliding vessel or not.

Article 9*ter* – Applicable Law

Unless the parties agree or have otherwise agreed, where a collision occurs in the internal waters or territorial sea of a State party, the law of that State shall apply to issues not otherwise regulated by this Convention, and where a collision occurs elsewhere, the law of the court seized of the incident shall apply, except that where all of the vessels involved are flagged in the same State, the law of that State shall apply, wherever the collision may occur. The application of such law shall mean the application of the substantive rules of such law to the exclusion of any rule of private international law.

Article 9*quater* – Jurisdiction

1. (a) Unless the parties agree or have otherwise agreed, actions on the merits of a collision shall be brought by a claimant in a court of a State Party to this Convention:

(i) where the defendant has his habitual residence or domicile, statutory seat, central administration or principal place of business;

(ii) where the collision has occurred, provided that it occurred in the internal waters or territorial waters of that State;

(iii) where a vessel involved in the collision or another vessel owned by the owner of the vessel has been arrested and the arrest has not been challenged or, if challenged, has been uphold, or where the arrest has been lifted by the provision of security; or

(iv) where a limitation fund has been properly constituted by the defendant in accordance with the law of that State on account of the collision.

b) If an action on the merits of a collision is pending before a court of a State Party,

(i) any action, whether by counterclaim, subrogation, recourse or otherwise relating to damages caused by the collision which could reasonably risk leading to contradictory judgments if heard separately, may be brought before that court, and

(ii) any further action brought in another State Party to recover the same damage shall be stayed unless and until the previous action has been discontinued, or, if the court so permits, stayed.

2. Paragraph 1 shall apply where a collision is governed by this Convention pursuant to Article 1.2, but shall not apply where all vessels involved are not flagged in State Parties hereto, but are all flagged in State Parties to the International Convention on Certain Rules concerning Civil Jurisdiction in matters of Collision of 10 May 1952.

3. Paragraph 1 shall not apply in cases covered by the provisions of the Revised Rhine Navigation Convention of 17 October 1868.

Article 10

Without prejudice to any conventions which may hereafter be made, the provisions of this Convention do not affect in any way the law in force in each country with regard to the limitation of shipowners' liability, nor do they alter legal obligations arising from contracts of carriage or from any other contracts.