

A modern office interior with glass walls, a person standing near a table, and a large white sculpture in the foreground. The scene is dimly lit, with a person in a white shirt standing near a table in the background. A large, white, abstract sculpture is in the foreground. The floor is highly reflective.

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The Danish perspective

Lars Rosenberg Overby

The law - conventions



Denmark is party to the key Conventions and has implemented the rules in the Merchant Shipping Act. It is a member of the EU

- **LLMC** 1976 + 1996 protocol
- Athens Convention on passengers and luggage (**Athens Regulation**)
- **CLC** 1992 and 1992 **Fund** + 2003 protocol
- **Nairobi** 2007
- **Bunkers** 2001
- **HNS** 1996 + 2010 protocol (not in force)

The law – limitation amounts

The LLMC amounts (MSA section 175)

- **Passengers** SDR 400 K x allowed pax capacity
- **PI and death** SDR 3.02 mill. + increment if >2,000 GT
- **Wreck removal** SDR 2 mill. + increment if >1,000 GT
- **Other** SDR 1.51 mill. + increment if > 2,000 GT

Small vessels < 300 GT

- **Property damage** SDR 750 K <101 GT and SDR 1 mill. 100 – 299 GT

The law - amounts

War ships' non-commercial activities

- Limitation reference minimum 5.000 GT

Oil pollution (MSA section 194)

- SDR 631 pr. GT Min. SDR 4.51 mill. (< 5.000 GT). Max SDR 87.77 mill.

Interest and costs

- Payable in excess of fund(s) without limitation

The fund procedure and claims



- The Maritime & Commercial Court
- Only two funds since 2002
- Limitation amount + interest from incident until fund is set up
- Security for interest and costs
- Financial security of fund
- Dispute referral
- Procedural rules in MSA
- Precedent on state response claims (OPEX + 10%)



Major casualties

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Practical experience

Passengers and oil pollution



SCANDINAVIAN STAR 1990

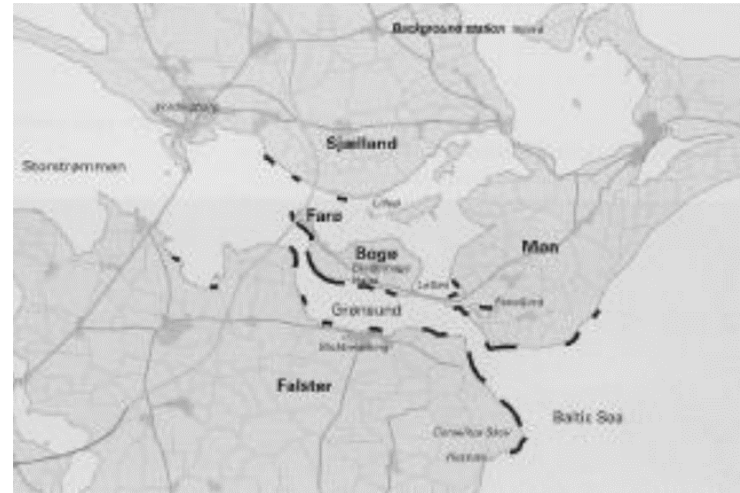


- Fire on board
- 159 fatalities
- Two sets of claimants in Denmark and Norway (two lead lawyers)
- P&I Cover
- No limitation fund
- Limited subsequent litigation
- "Disaster law" solutions
- A single settlement agreement (100% subscription)
- Pragmatism

BALTIC CARRIER 2001 oil spill

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- Collision with TERN
- 2,700 tonnes IFO leaked and abt 2,350 tonnes entered Grønsund.
- State response claims
- 3 major claimants
- Numerous small claimants
- No limitation fund
- IOPC not involved
- Same P&I Club
- Pragmatism





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**Thank you for your
attention**



Lars Rosenberg Overby

Lars is a partner and a part of IUNO's team for transport.

He is internationally recognized for his skills within the maritime and transport sectors, particularly when it comes to offshore wind farms.

Having acted as a consultant within maritime and transport law for more than 25 years, Lars has ample experience with leading cases at both the Supreme Court and the Maritime and Commercial Court.

IUNO's customers value his persistent and pragmatic approach to problems which spurs him to keep going until a problem is solved or a project complete.

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