

I mangel af overenskomst mellem parterne om sikkerhedens tilstrækkelighed, kan retten eller vedkommende myndighed bestemme dens art og størrelse.

En begæring om ophævelse af arresten skal ikke fortolkes som en anerkendelse af ansvar eller som frafald af rederens lovbestemte ansvarsbegrænsning.

#### Artikel 6

Alle spørgsmål om sagsøgerens eventuelle ansvar for skade forvoldt ved arrest i et skib eller for omkostningerne ved sikkerhed, som er stillet for at få arresten ophævet eller for at hindre arrest, skal afgøres efter lovgivningen i den kontraherende stat, hvor arresten er gjort eller begæret.

De processuelle regler om arrest i skibe, om fremgangsmåden for at få arrestbeslutning efter artikel 4 og alle processuelle spørgsmål, som arresten ellers giver anledning til, afgøres efter loven i den kontraherende stat, hvor arresten er gjort eller begæret.

#### Artikel 7

(1) Domstolene i det land, hvor arresten er gjort, skal have myndighed til at pådømme det krav arresten gælder, hvis de har en sådan juridisk myndighed i henhold til landets lovgivning, eller i følgende tilfælde:

- (a) hvis sagsøgeren har sin faste bopæl eller har sit hovedkontor i det land, hvor arresten er gjort;
- (b) hvis kravet er opstået i det land, hvor arresten er gjort;
- (c) hvis kravet gælder den rejse under hvilken arresten er gjort;
- (d) hvis kravet er opstået på grund af et sammenstød eller under omstændigheder som nævnt i artikel 10 i den internationale konvention om ensartede regler om sammenstød mellem skibe, undertegnet i Bruxelles den 23. september 1910;
- (e) hvis kravet gælder bjærgning;
- (f) hvis kravet gælder et hypotekslån eller pantelån i det arresterede skib.

In default of agreement between the parties as to the sufficiency of the bail or other security, the Court or other appropriate authority shall determine the nature and amount thereof.

The request to release the ship against such security shall not be construed as an acknowledgment of liability or, as a waiver of the benefit of the legal limitation of liability of the owner of the ship.

#### Article 6

All questions whether in any case the claimant is liable in damages for the arrest of a ship or for the costs of the bail or other security furnished to release or prevent the arrest of a ship, shall be determined by the law of the Contracting State in whose jurisdiction the arrest was made or applied for.

The rules of procedure relating to the arrest of a ship, to the application for obtaining the authority referred to in Article 4, and all matters of procedure which the arrest may entail, shall be governed by the law of the Contracting State in which the arrest was made or applied for.

#### Article 7

(1) The Courts of the country in which the arrest was made shall have jurisdiction to determine the case upon its merits if the domestic law of the country in which the arrest is made gives jurisdiction to such Courts, or in any of the following cases namely:

- (a) if the claimant has his habitual residence or principal place of business in the country in which the arrest was made;
- (b) if the claim arose in the country in which the arrest was made;
- (c) if the claim concerns the voyage of the ship during which the arrest was made;
- (d) if the claim arose out of a collision or in circumstances covered by Article 13 of the International Convention for the unification of certain rules of law with respect to collisions between vessels, signed at Brussels on 23rd September 1910;
- (e) if the claim is for salvage;
- (f) if the claim is upon a mortgage or hypothecation of the ship arrested.