

5 Efter at ejeren, forsikringsgiveren eller en anden person, som stiller økonomisk sikkerhed i henhold til artikel 12, har oprettet en fond i overensstemmelse med artikel 9, er alene domstolene i den stat, hvor denne fond er oprettet, kompetente til at afgøre ethvert spørgsmål om fordeling af og udbetaling fra fonden.

5 After a fund under Article 9 has been constituted by the owner or by the insurer or other person providing financial security in accordance with Article 12, the courts of the State in which such fund is constituted shall have exclusive jurisdiction to determine all matters relating to the apportionment and distribution of the fund.

Kompetence med hensyn til søgsmål anlagt mod eller af HNS-fonden

Jurisdiction in respect of action against the HNS Fund or taken by the HNS Fund

Artikel 39

Article 39

1 Medmindre andet følger af bestemmelserne i denne artikel, kan sag mod HNS-fonden om erstatning ifølge artikel 14 i denne konvention alene rejses ved en domstol, som ifølge artikel 38 er kompetent til at behandle sagsanlæg mod en ejer, som ansvarlig for den af den pågældende hændelse forvoldte skade, eller ved en domstol i en kontraherende stat, der ville have været kompetent, hvis en ejer havde været ansvarlig.

1 Subject to the subsequent provisions of this Article, any action against the HNS Fund for compensation under Article 14 shall be brought only before a court having jurisdiction under Article 38 in respect of actions against the owner who is liable for damage caused by the relevant incident or before a court in a State Party which would have been competent if an owner had been liable.

2 Såfremt det skib, der transporterede de farlige eller skadelige stoffer, som forårsagede skaden, ikke er identificeret, finder bestemmelserne i artikel 38, stk. 1, med de nødvendige ændringer anvendelse på krav mod HNS-fonden.

2 In the event that the ship carrying the hazardous or noxious substances which caused the damage has not been identified, the provisions of Article 38(1), shall apply *mutatis mutandis* to actions against the HNS Fund.

3 Enhver kontraherende stat skal sørge for, at dens domstole har den fornødne kompetence til at behandle sådanne sager mod HNS-fonden som omhandlet i stk. 1.

3 Each State Party shall ensure that its courts have jurisdiction to entertain such actions against the HNS Fund as are referred to in paragraph 1.

4 Når krav om skadeserstatning er rejst ved en domstol mod ejeren eller ejerens garant, er alene denne domstol kompetent til at behandle noget krav mod HNS-fonden om erstatning i henhold til bestemmelserne i artikel 14 i anledning af samme skade.

4 Where an action for compensation for damage has been brought before a court against the owner or the owner's guarantor, such court shall have exclusive jurisdiction over any action against the HNS Fund for compensation under the provisions of Article 14 in respect of the same damage.

5 Enhver kontraherende stat skal sørge for, at HNS-fonden har ret til at indtræde som part i et søgsmål, som er anlagt i overensstemmelse med denne konvention ved en kompetent domstol i denne stat mod ejeren eller ejerens garant.

5 Each State Party shall ensure that the HNS Fund shall have the right to intervene as a party to any legal proceedings instituted in accordance with this Convention before a competent court of that State against the owner or the owner's guarantor.