

2 En afgørelse, som anerkendes ifølge stk. 1, kan fuldbyrdes i hver af de kontraherende stater, så snart de i staten krævede formaliteter er iagttaget. Den formelle behandling må ikke medføre en genoptagelse af sagens realitet.

3 Med forbehold af enhver afgørelse vedrørende fordelingen, jf. artikel 14, stk. 6, skal enhver afgørelse mod HNS-fonden truffet af en domstol med kompetence i henhold til artikel 39, stk. 1 og 3, når den er blevet eksigibel i den stat, hvori den er afsagt, og i denne stat ikke længere kan anfægtes ved de ordinære retsmidler, anerkendes og være eksigibel i enhver kontraherende stat.

2 A judgement recognised under paragraph 1 shall be enforceable in each State Party as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

3 Subject to any decision concerning the distribution referred to in Article 14(6), any judgement given against the HNS Fund by a court having jurisdiction in accordance with Article 39(1) and (3) shall, when it has become enforceable in the State of origin and is in that State no longer subject to ordinary forms of review, be recognised and enforceable in each State Party.

Subrogation og regres

Artikel 41

1 For hvert skadeserstatningsbeløb, som udbetales af HNS-fonden i overensstemmelse med artikel 14, stk. 1, indtræder HNS-fonden i de rettigheder, som erstatningsmodtageren måtte have over for ejeren eller ejerens garant.

2 Intet i denne konvention berører HNS-fondens ret til at gøre regres mod eller indtræde i en persons rettigheder, herunder de i artikel 7, stk. 2, litra d), omhandlede personer, bortset fra de personer, hvortil der er henvist i stk. 1 ovenfor, for så vidt de kan begrænse deres ansvar. Under alle omstændigheder skal HNS-fondens ret til indtræden i sådanne personers rettigheder ikke være mindre gunstig end den ret, som tilkommer en erstatningsmodtagers forsikringsgiver.

3 Uden at dette skal medføre indskrænkning i anden eksisterende ret til indtræden eller regres mod HNS-fonden, indtræder en kontraherende stat, som har betalt erstatning for skade i henhold til bestemmelser i egen national lovgivning, i de rettigheder, som erstatningsmodtageren ville have nydt i henhold til denne konvention.

Subrogation and recourse

Article 41

1 The HNS Fund shall, in respect of any amount of compensation for damage paid by the HNS Fund in accordance with Article 14(1), acquire by subrogation the rights that the person so compensated may enjoy against the owner or the owner's guarantor.

2 Nothing in this Convention shall prejudice any rights of recourse or subrogation of the HNS Fund against any person, including persons referred to in Article 7(2)(d), other than those referred to in the previous paragraph, in so far as they can limit their liability. In any event the right of the HNS Fund to subrogation against such persons shall not be less favourable than that of an insurer of the person to whom compensation has been paid.

3 Without prejudice to any other rights of subrogation or recourse against the HNS Fund which may exist, a State Party or agency thereof which has paid compensation for damage in accordance with provisions of national law shall acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.