



"Stolt commitment" c/w "Thorco Cloud" - the jurisdiction battle

15 September 2022 | Partner Lilly Kathrin Relling

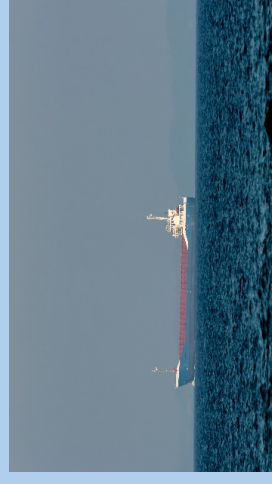
16-12-2015 12:02:47

16 December 2015: Collision in the Singapore Strait

Mau Busing

Tanjong
Pagar Port
Terminal

Sentosa
Cove



THORCO CLOUD
12.2°
11.5 km

X

STOLT COMMITMENT
12.2°
16.3 km



BATU AMPAR

Sunga Jodoh

Batu

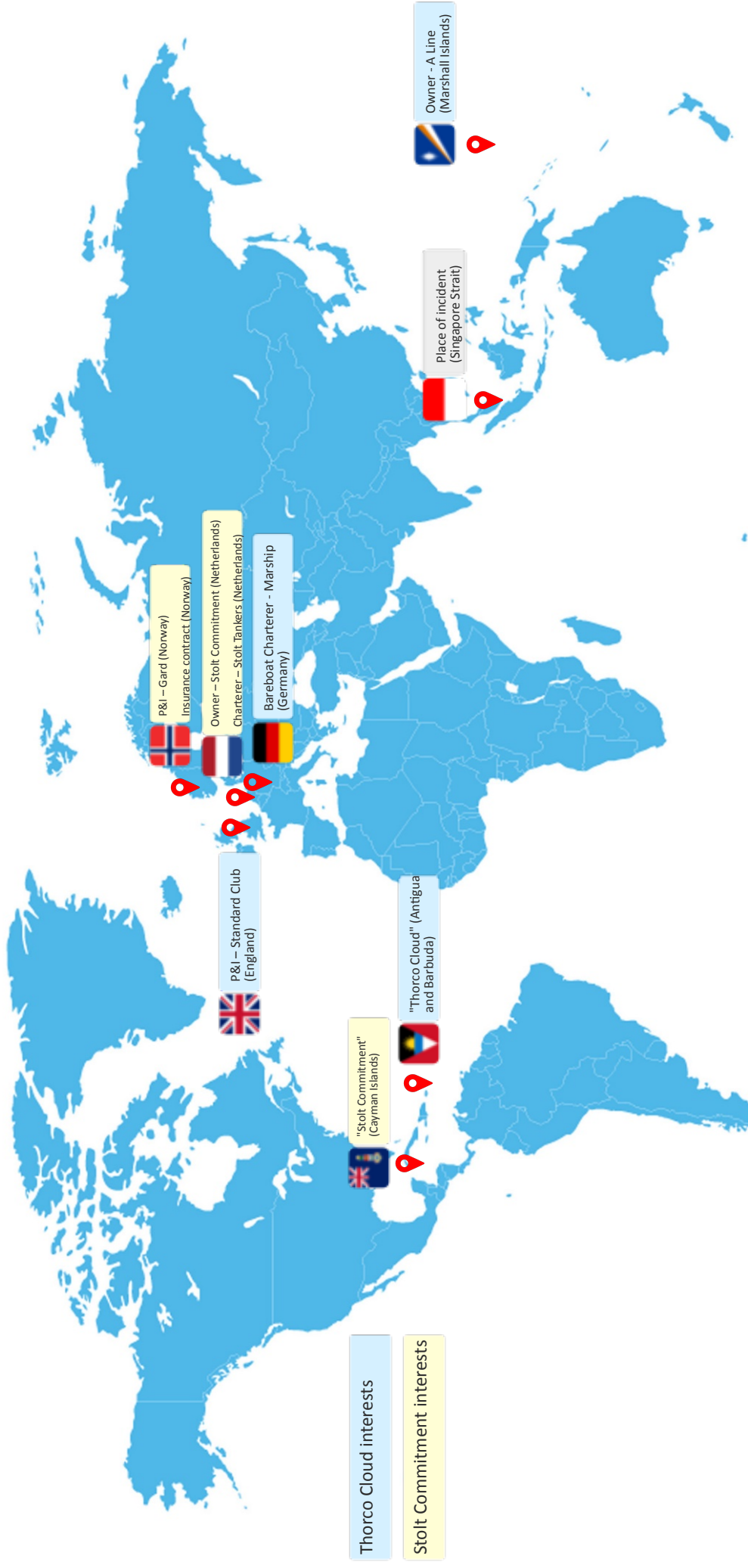
Batu Selan

KVALE

Pulau Lestari

Tiban Indah

International case complex

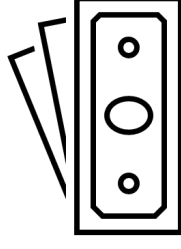


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Why dispute jurisdiction?

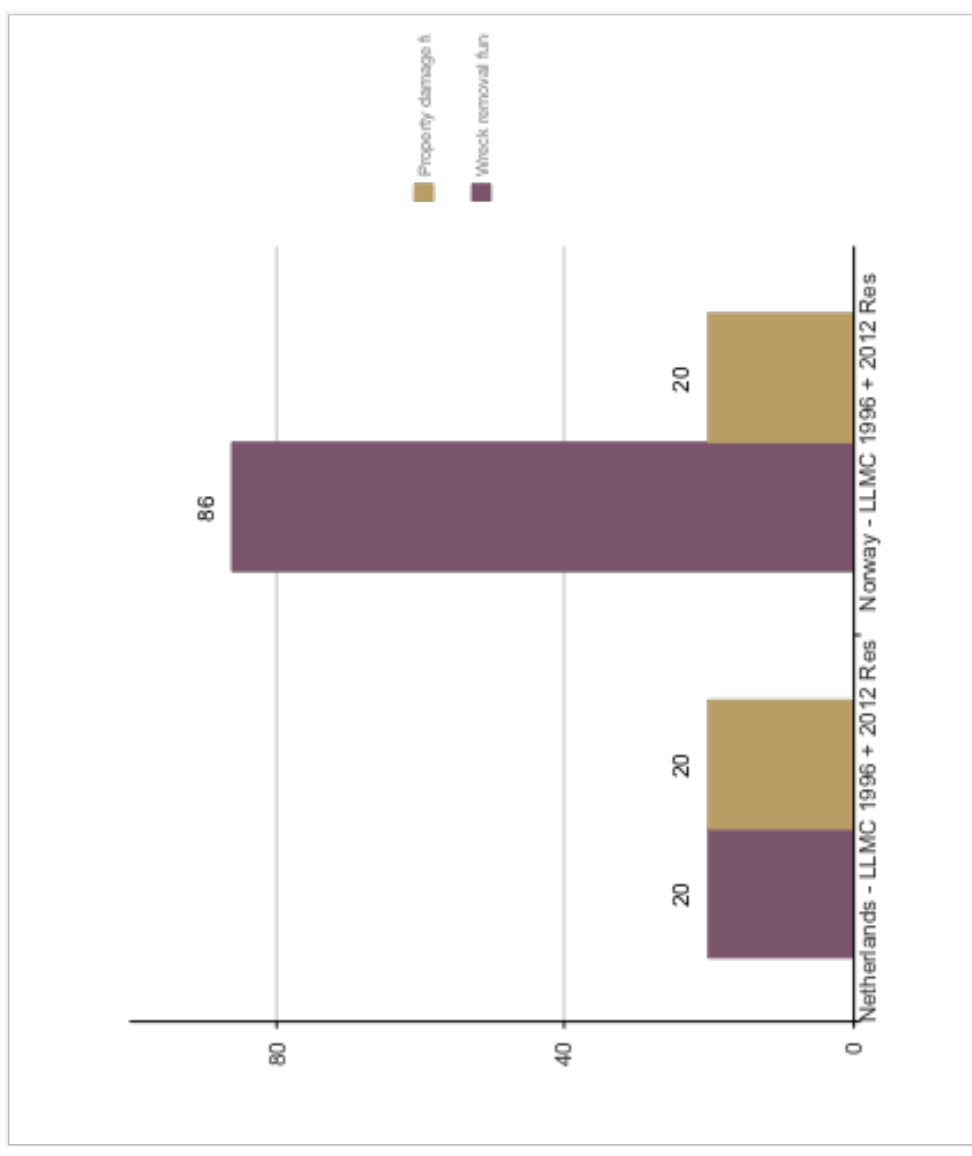


International dispute



Limitation of liability

Why Norway?



Legal actions in the Nederland

– establishment of limitation funds



Procedural history

5 January 2016 23 June 2016 11 April 2017 9 May 2018 7 June 2019 24 June 2020 23 December 2020 27 April 2021

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Supreme Court's decisions

"Stolt Commitment I" (HR-2018-869-A)

- Section 3 applicable
- Norwegian law

"Stolt Commitment II" (HR-2020-1328- A)

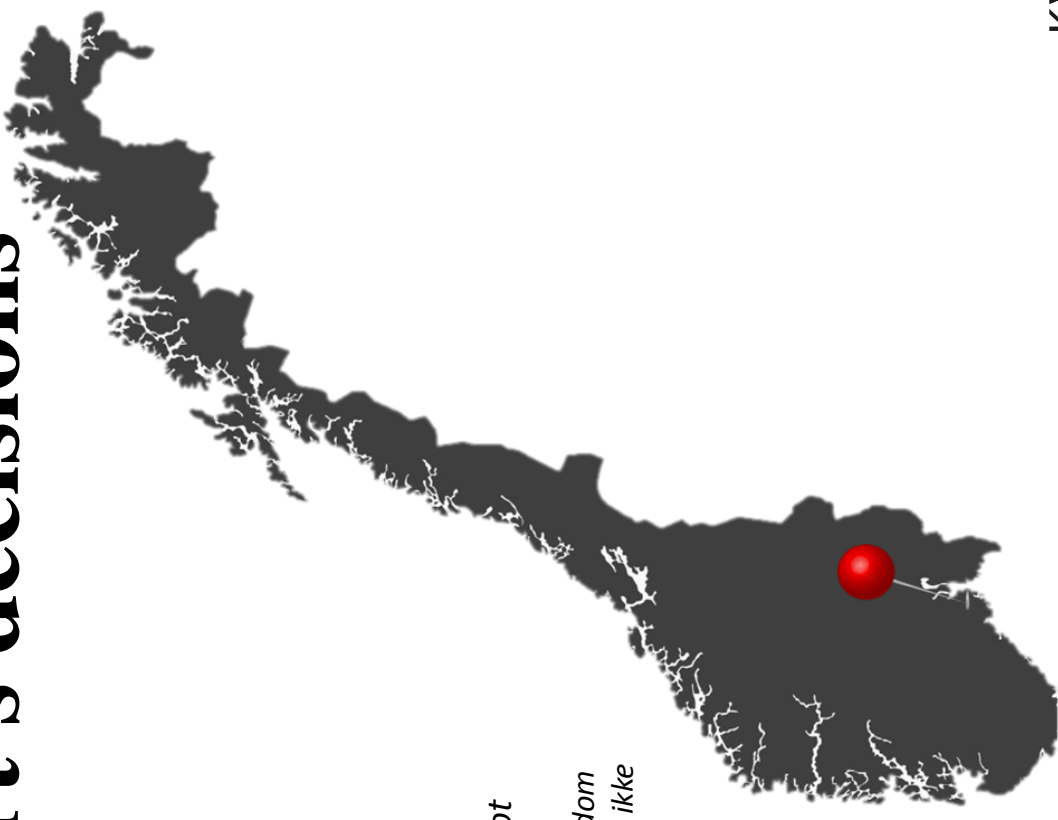
- Art 11 no. 2 applicable
- Direct action is permitted, cf. ICA
- Norwegian jurisdiction for Gard



Supreme Court's decisions

"Stolt Commitment III" (LA-2020-99757/HR-2021-902-U)

- Art 6 no. 1 applicable
- Sufficient connection
- Norwegian jurisdiction for Stolt-companies
- *The court of appeal stated that the intention behind the commitment did not affect the applicability of art. 6 no.1:*
"At Thorco-selskapenes primære siktemål med saksanlegget i Norge er å få dom mot Stolt-selskapene under norske globalansvarsregler, kan lagmannsretten ikke se er tilstrekkelig til at det snevre unntaket gjelder."





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