

Liability of carriers of passengers by sea in the event of accidents

2005/0241(COD) - 23/11/2005 - Legislative proposal

PURPOSE: to incorporate the Athens Convention of passenger liability by sea into EU law.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: This proposal is being presented following on from the 2001 “White Paper on Transport Policy” and the 2002 “Communication on enhanced safety of passenger ships in the Community”, in which the Commission outlined its views on certain key elements for a workable EU maritime passenger liability regime.

The purpose of this proposal is to incorporate an IMO Protocol, “The Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002”, into EU law. Essentially, the proposed Regulation would incorporate the Athens Convention into EC laws as well as making a certain number of adaptations. They refer to:

- Extending the scope of application to domestic traffic.
- Extending the scope of application to inland waterways.
- Removing the possibility for Member States to fix limits of liability higher than those provided for in the Convention.
- For damage or loss of mobility equipment/medical equipment belonging to a passenger with reduced mobility, compensation equivalent at the maximum, to the replacement value of the equipment.
- To offer advance payments as provided for in the air and retail sectors.
- To offer pre-journey information.

The fact that the Community will be a contracting party to the 2002 Athens Convention will ensure that the Court of Justice interprets the protocol in a uniform manner – which international law currently does not allow for. In addition, provisions will be extended to include Member State’s inland waterway transport. At the same time, the Commission is using this opportunity to make a number of adaptations to the Athens Conventions relating to fair compensation for people with reduced mobility, as well as an advance payment for all passengers and an obligation to provide information for passengers.